



# भारत का राजपत्र The Gazette of India

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No. 37] NEW DELHI, SEPTEMBER 11—SEPTEMBER 17, 2022, SATURDAY/BHADRA 20—BHADRA 26, 1944

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(वित्तीय सेवाएं विभाग)

नई दिल्ली, 13 सितम्बर, 2022

का.आ. 797.—बीमा विनियामक और विकास प्राधिकरण अधिनियम, 1999 (1999 का 41) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री थॉमस एम. देवासिया, तकनीकी विशेषज्ञ-वृहत् जोखिम (ऊर्जा और अवसंरचना-तटीय और अपतटीय) मार्श इंश्योरेंस ब्रोकर्स इंडिया, कोच्चि, केरल को पद का कार्यभार ग्रहण करने की तारीख से बासठ वर्ष की आयु प्राप्त करने तक अथवा अगले आदेशों तक, जो भी पहले हो, चार लाख रुपए प्रतिमाह (आवास और कार की सुविधा के बिना) के समेकित वेतन पैकेज पर भारतीय बीमा विनियामक और विकास प्राधिकरण में पूर्णकालिक सदस्य (गैर-जीवन) के पद पर नियुक्त करती है।

[फा. सं. आर-16011/01/2021-बीमा-I]

सुरजीत कार्तिकेयन, उप सचिव

**MINISTRY OF FINANCE****(Department of Financial Services)**

New Delhi, the 13th September, 2022

**S.O. 797.**—In exercise of the powers conferred by section 4 of the Insurance Regulatory and Development Authority Act, 1999 (41 of 1999), the Central Government hereby appoints Shri Thomas M. Devasia, Technical Expert-Large Risks [Energy & Infrastructure -On-Shore & Off-Shore], Marsh Insurance Brokers India, Kochi, Kerala as Whole-time Member (Non-Life) in the Insurance Regulatory and Development Authority of India, on a consolidated pay package of four lakh rupees per month (without facility of house and car), with effect from the date of assumption of charge of the post till attaining the age of sixty-two years, or until further orders, whichever is earlier.

[F. No. R-16011/01/2021-Ins.I]

SURJITH KARTHIKEYAN, Dy. Secy.

**विदेश मन्त्रालय****(सी.पी.वी. प्रभाग)**

नई दिल्ली, 6 सितम्बर, 2022

**का.आ. 798.**—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कौंसलावास, जेद्दाह में श्री हर्ष वर्धन सत्य प्रकाश, वरिष्ठ सचिवालय सहायक को दिनांक 06 सितम्बर, 2022 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2022(34)]

एस. आर.एच. फहमी, उप सचिव (कांसुलर)

**MINISTRY OF EXTERNAL AFFAIRS****(CPV Division)**

New Delhi, the 6th September, 2022

**S.O. 798.**—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Harsha Wardhan Satya Prakash, Senior Secretariat Assistant as Assistant Consular Officer in Consulate General of India, Jeddah to perform the Consular services with effect from September 6, 2022.

[F. No. T-4330/01/2022(34)]

S.R.H FAHMI Dy. Secy. (Consular)

**विद्युत मंत्रालय**

नई दिल्ली, 7 सितम्बर, 2022

**का.आ. 799.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कार्पोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. पावर ग्रिड कार्पोरेशन ऑफ इंडिया लिमिटेड,

220 केवी दालकोला उपकेंद्र,  
दालकोला, जिला-उत्तर दिनाजपुर,  
पश्चिम बंगाल-733201

2. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,  
220/132 केवी बीरपाड़ा उपकेंद्र,  
मदारी रोड, पो.- बीरपाड़ा,  
जिला- जलपाईगुड़ी,  
पश्चिम बंगाल-735204

[फा. सं. 11011/05/9/2022-हिंदी]

विशाल कपूर, संयुक्त सचिव (रा.भा.)

### MINISTRY OF POWER

New Delhi, the 7th September, 2022

**S.O. 799.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of Power Grid Corporation of India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Limited,  
220KV Dalkhola Substation,  
Dalkhola, Dist- Uttar Dinajpur,  
West Bengal-733201
2. Power Grid Corporation of India Limited,  
220/132 KV Birpara S/S, Madari Road,  
PO-Birpara, Dist.-Jalpaiguri,  
West Bengal- 735204

[F. No. 11011/05/9/2022-Hindi]

VISHAL KAPOOR, Jt. Secy. (O.L.)

### कोयला मंत्रालय

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 800.**— केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्यांक का.आ. 2789(अ), तारीख 17 जून, 2022 द्वारा जो भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), तारीख 17 जून, 2022 में प्रकाशित की गई थी, उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 9.624 हेक्टर (लगभग) या 23.780 एकड़ (लगभग) माप वाली भूमि में और ऐसी भूमि में या उस पर के सभी अधिकारों के अर्जन करने के अपने आशय की सूचना दी थी;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और ओडिशा सरकार से परामर्श करने के पश्चात्, यह समाधान हो गया है कि इससे संलग्न अनुसूची में यथा वर्णित 9.624 हेक्टर (लगभग) या 23.780 एकड़ (लगभग) माप वाली भूमि और ऐसी भूमि में या उस पर के सभी अधिकार अर्जित किए जाने चाहिए;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है की, अनुसूची में वर्णित 9.624 हेक्टर (लगभग) या 23.780 एकड़ (लगभग) माप वाली भूमि में या उस पर के सभी अधिकार अर्जित किए जाते हैं;

इस अधिसूचना के अंतर्गत आने वाले क्षेत्र के रेखांक संख्या एमसीएल/एसए/एसबीओसीपी/जीपी(डब्ल्यू)-एलओ/9(1)/2022/23, तारीख 21 जुलाई, 2022 का निरीक्षण कलेक्टर, जिला अंगुल, ओडिशा - 759122 के कार्यालय में या कोयला नियंत्रक, कोयला नियंत्रक का कार्यालय, कोयला मंत्रालय, स्कोप मीनार, 5<sup>th</sup> फ्लोर, कोर- 2, लक्ष्मी नगर, दिल्ली- 110092 के कार्यालय में या निदेशक (कार्मिक), महानदी कोलफील्ड्स लिमिटेड, जागृति विहार, बुर्ला, जिला सम्बलपुर- 768020, ओडिशा के कार्यालय में किया जा सकता है।

### अनुसूची

गोपाल प्रसाद ( पश्चिम) कोल ब्लॉक

(जिला-अंगुल, राज्य -ओडिशा)

[ रेखांक संख्या एमसीएल/एसए/एसबीओसीपी/जीपी(डब्ल्यू)-एलओ/9(1)/2022/23, तारीख 21 जुलाई, 2022]

सभी अधिकार:

सुभद्रा ओपन कास्ट परियोजना (25 मिलियन टन प्रतिवर्ष ) के लिए उत्कल- ए की अधिसूचित सीमा के अधीन पूर्व में आने वाले बचे हुए प्लॉट और गोपालप्रसाद (पश्चिम) कोल ब्लॉक के भीतर और प्लॉट क्षेत्र संबंधी प्रस्तावित क्षेत्र की भूमि के ब्यौरे ।								
क्रम सं.	ग्राम का नाम	कोयला ब्लॉक का नाम	ग्राम का संख्यांक	थाना	तहसील	जिला	अर्जन किए जाने वाला क्षेत्र (एकड़ में)	टिप्पणी
1.	छोटाबेरेनी	गोपालप्रसाद (पश्चिम)	172	निशा	छेंदीपदा	अंगुल	23.780	पूर्ण
कुल क्षेत्र :							23.780	

कुल क्षेत्र: 23.780 एकड़ (लगभग) या 9.624 हेक्टर (लगभग).

ग्राम छोटाबेरेनी में अर्जित किए गए प्लॉट संख्यांक:

#### 1. छोटाबेरेनी :

84/382, 84/384(भाग), 84/385(भाग), 84/386(भाग), 84/386/482, 84/386/482/510, 84/386/483, 84/386/483/511, 84/391, 84/391/480, 84/391/480/762, 84/392, 84/393, 84/396(भाग), 85/500 और 85/509(भाग).

#### सीमा विवरण:

छोटाबेरेनी ग्राम के सभी बचे हुए प्लॉट उत्कल- 'ए' कोयला ब्लॉक की पूर्व अधिसूचित सीमा के भीतर हैं, वर्तमान में यह गोपालप्रसाद (पश्चिम) कोयला ब्लॉक अर्थात् क-ख-ग-घ-ङ-च-छ-ज-झ-ञ-ट-ठ-क की सीमा के भीतर आता है।

रेखा क-ख: रेखा बिन्दु 'क' से प्रारम्भ होती है जो ग्राम छोटाबेरेनी की प्लॉट संख्या- 84 पर स्थित है। इसके बाद यह ग्राम छोटाबेरेनी के प्लॉट संख्या 84, 389, 338, 150, 123 के साथ दक्षिण दिश की ओर बढ़ती है। इसके बाद प्लॉट संख्या 2325, 2365, 2368 ग्राम कौंसिडिप का, फिर ग्राम कंकरेई के प्लॉट संख्या 736, 1688, 1748, 1837, 2441, 2067, 2096, 2077 और प्लॉट संख्या 2065 तक, जहां बिंदु 'ख' स्थित है।

रेखा ख-ग : रेखा ग्राम कंकरेई के प्लॉट संख्या पर स्थित 2065 बिन्दु 'ख' से प्रारम्भ होती है, फिर यह ग्राम कंकरेई के प्लॉट संख्या 2081 और ग्राम बालीचन्द्रपुर के प्लॉट संख्या 215, 363 और प्लॉट संख्या 1853 तक की पूर्व दिशा की ओर से चलती है। यह बिन्दु 'ग' के ग्राम बालीचन्द्रपुर के प्लॉट संख्या 853 पर स्थित है।

रेखा ग-घ : रेखा ग्राम बालीचन्द्रपुर के प्लॉट संख्या 853 पर स्थित बिन्दु 'ग' से प्रारम्भ होती है और यह बालीचन्द्रपुर के प्लॉट संख्या 363, 155, 103 के साथ ही ग्राम पीरखमन के प्लॉट संख्या 824 तक उत्तर दिशा की ओर बढ़ती है। यह बिंदु 'घ' ग्राम पीरखमन के प्लॉट संख्या 824 पर स्थित है।

- रेखा घ-ङ : रेखा बिन्दु 'घ' से प्रारम्भ होती है जोकि ग्राम पिरखमन के प्लॉट संख्या 681, 398, 267, 145 और 175 के साथ उत्तर-पूर्व दिशा कि ओर बढ़ती है और ग्राम कंकरेई के प्लॉट संख्या 1089 से ग्राम भालुगड़िया के प्लॉट संख्या 2049 तक है। यह बिंदु 'ङ' ग्राम भालुगड़िया के प्लॉट संख्या 2049 पर स्थित है।
- रेखा ड-च : रेखा बिन्दु 'ड' से प्रारम्भ होती है और सिंगड़ा जोर नाला के उत्तर किनारे तक ग्राम भालुगड़िया के प्लॉट संख्या 2049, 2028, 1841, 630, 802, 221, 479, 378, 283, 286 के साथ उत्तर-पूर्व दिशा कि ओर बिन्दु 'च' तक मिलती है।
- रेखा च-छ : रेखा बिंदु 'च' से प्रारम्भ होती है और सिंगड़ा जोर नाला के साथ पश्चिम दिशा की ओर बढ़ती है जो बिंदु 'छ' तक मिलती है।
- रेखा छ-ज : रेखा बिंदु 'छ' से प्रारम्भ होती है और सिंगड़ा जोर नाला के साथ पश्चिम दिशा की ओर बिंदु 'ज' तक मिलती है।
- रेखा ज-झ : रेखा बिन्दु 'ज' से प्रारम्भ होती है, जो ग्राम भालुगड़िया और सिंगड़ा जोर नाला के प्लॉट संख्या 1785 के साथ पश्चिम दिशा की ओर बिन्दु "झ" तक मिलती है।
- रेखा झ-ञ : रेखा बिन्दु 'झ' से प्रारम्भ होकर ग्राम कुमुंडा के प्लॉट संख्या 992, 956, 967, 974 और ग्राम कांकरेई के प्लॉट संख्या 4 और 2 के साथ पश्चिम दिशा की ओर बढ़ती है और ग्राम कंकरेई के जयपुर आरक्षित वन और प्लॉट संख्या 16 को पार करते हुए ग्राम छोटाबेरेनी के प्लॉट संख्या 392 तक, बिन्दु 'ञ' से मिलती है।
- रेखा ञ-ट : रेखा ग्राम छोटाबेरेनी के प्लॉट संख्या 392 के ऊपर स्थित बिन्दु 'ञ' से प्रारम्भ होती है और ग्राम छोटाबेरेनी के प्लॉट संख्या 632 और 631 तक उत्तर दिशा कि ओर प्लॉट संख्या 383 कि ओर बढ़ते हुए बिन्दु 'ट' पर मिलती है।
- रेखा ट-ठ : रेखा ग्राम छोटाबेरेनी के प्लॉट संख्या 383 के ऊपर स्थित बिन्दु 'ट' से प्रारम्भ होती है और ग्राम की सीमा के किनारे ग्राम छोटाबेरेनी के प्लॉट संख्या 84 तक सिंगड़ा जोर नाला के किनारे उत्तर दिशा की ओर होते हुए बिन्दु 'ठ' पर मिलती है।
- रेखा ठ-क : रेखा ग्राम बिंदु 'ठ' से प्रारम्भ होती है जो ग्राम छोटाबेरेनी की सीमा के किनारे से होते हुए प्लॉट संख्या 84 पर स्थित है, जो बिंदु 'क' तक ग्राम छोटाबेरेनी की सीमा के किनारे पश्चिम दिशा की ओर बढ़ती है।

[फा. सं. 43015/16/2021-एलएण्डआईआर]

राम शिरोमणि सरोज, निदेशक

## MINISTRY OF COAL

New Delhi, the 14th September, 2022

**S.O. 800.**—Whereas by the notification of the Government of India in the Ministry of Coal, number S.O. 2789(E), dated the 17<sup>th</sup> June, 2022, issued under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), (hereinafter referred to as the said Act), published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 17<sup>th</sup> June 2022, the Central Government gave notice of its intention to acquire the land measuring 9.624 hectares (approximately) or 23.780 acres (approximately) and all rights in or over such lands specified in the Schedule appended to that notification;

And, whereas, the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And, whereas, the Central Government after considering the aforesaid report and after consulting to the Government of Odisha, is satisfied that the lands measuring 9.624 hectares (approximately) or 23.780 acres (approximately) and all rights in or over such lands as described in the Schedule appended hereto, should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the land measuring 9.624 hectares (approximately) or 23.780 acres (approximately) and all rights in or over such lands as described in the Schedule are hereby acquired.

The plan bearing number MCL/SA/SBOCP/GP(W)-LO/9(1)/2022/23, dated the 21<sup>st</sup> July, 2022 of the area covered by this notification may be inspected at the office of the Collector, District Angul, Odisha-759122 or at the office of the Coal Controller, Coal Controller's Organisation, Ministry of Coal, Scope Minar, 5<sup>th</sup> Floor, Core-II, Laxmi

Nagar, Delhi- 110092 or at the office of the Director (Personnel), Mahanadi Coalfields Limited, Post Office - Jagruti Vihar, Burla, District Sambalpur-768020, Odisha.

### SCHEDULE

#### Gopalprasad (West) Coal Block

(District- Angul, State- Odisha)

[Plan bearing number: MCL/SA/SBOCP/GP(W)-LO/9(1)/2022/23, dated the 21<sup>st</sup> July, 2022]

#### All Rights:

Land details of proposed area towards left over plots and plot areas within Gopalprasad (West) coal block falling earlier under notified boundary of Utkal-A for Subhadra Open Cast Project (25 million tonne per year).								
Sl. No.	Name of Village	Name of the coal block	Village number	Thasna	Tahasil	District	Area acquired (in acres)	Remark
1.	Chhota-bereni	Gopalprasad (West)	172	Nisha	Chhendipada	Angul	23.780	Full
Total area:							23.780	

Total area : 23.780 acres (approximately) or 9.624 hectares (approximately).

Plot numbers acquired in the village Chhotabereni:

84/382, 84/384(P), 84/385(P), 84/386(P), 84/386/482, 84/386/482/510, 84/386/483, 84/386/483/511, 84/391, 84/391/480, 84/391/480/762, 84/392, 84/393, 84/396(P), 85/500 and 85/509(P).

#### Boundary Description:

All the left over plots and plot areas of village Chhotabereni are within the earlier notified boundary of Utkal-A coal block, presently comes within the block boundary of Gopalprasad (West) coal block i.e A-B-C-D-E-F-G-H-I-J-K-L-A.

Line A-B: The line starts from point 'A', which is situated at plot number 84 of village Chhotabereni. Then it moves towards south direction along the plot numbers 84, 389, 338, 150 and 123 of village Chhotabereni, then plot numbers 2325, 2365 and 2368 of village Kaunsidhipa, then plot numbers 736, 1688, 1748, 1837, 2441, 2067, 2096, 2077 and up to the plot number 2065 of village Kankarei, where point 'B' is situated.

Line B-C: The line starts from point 'B', which is situated on the plot number 2065 of the village Kankarei, then it runs towards east direction along the plot number 2081 of village Kankarei and plot numbers 215, 363 and up to plot number 853 of village Balichandrapur. The point 'C' is situated over the plot number 853 of the village Balichandrapur.

Line C-D: The line starts from point 'C', which is situated on the plot number 853 of the village Balichandrapur and it moves towards the north direction along the plot numbers 363, 155, 103 of Balichandrapur up to plot number 824 of village Pirakhman. The point 'D' is situated over the plot number 824 of village Pirakhman.

Line D-E: The line starts from point 'D' and moves towards north-east direction along the plot numbers 681, 398, 267, 145 and 175 of village Pirakhman and plot number 1089 of village Kankarei up to the plot number 2049 of village Bhalugadia. The point 'E' is situated over the plot number 2049 of village Bhalugadia.

Line E-F: The line starts from point 'E' and moves towards north-east direction along the plot numbers 2049, 2028, 1841, 630, 802, 221, 479, 378, 283 and 286 of village Bhalugadia up to point 'F' at the north bank of Singada Jore Nallah.

Line F-G: The line starts from point 'F' and moves towards west direction along the Singada Jore Nallah up to point 'G'.

Line G-H: The line starts from point 'G' and moves towards west direction along the Singada Jore Nallah up to point 'H'.

Line H-I: The line starts from point 'H' and moves towards west direction along the plot number 1785 of village Bhalugadia and Singada Jore Nallah up to point 'I'.

Line I-J: The line starts from point 'I' and moves towards west direction along the plot numbers 992, 956, 967 and 974 of village Kumunda and plot numbers 4 and 2 of village Kankarei and crossing the Jaipur reserve forest and plot number 16 of village Kankarei up to point 'J' at plot number 392 of village Chhotabereni.

- Line J-K: The line starts from point 'J', which is situated over the plot number 392 of village Chhotabereni and moves towards north direction along the plot numbers 632 and 631 up to point 'K' at plot number 383 of village Chhotabereni.
- Line K-L: The line starts from point 'K', which is situated over the plot number 383 of village Chhotabereni and runs towards north direction along the bank of Singada Jore Nallah up to point 'L' at plot number 84 of village Chhotabereni across the edge of village boundary.
- Line L-A: The line starts from point 'L', which is situated on the plot number 84 in the edge of village boundary of Chhotabereni, moves towards west direction across the edge of village boundary of Chhotabereni up to point 'A'.

[F. No. 43015/16/2021-LA&amp;IR ]

RAM SHIROMANI SAROJ, Director

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 801.—** केन्द्रीय सरकार को यह प्रतीत होता है कि इससे उपाबद्ध अनुसूची में वर्णित परिक्षेत्र की भूमि में से कोयला अभिप्राप्त होने की संभावना है ;

और उक्त अनुसूची में वर्णित भूमि के क्षेत्र में अंतर्विष्ट करने वाला रेखांक संख्यांक आरईवी/08/2022, तारीख 26 जुलाई, 2022 का निरीक्षण सेंट्रल कोलफील्ड्स लिमिटेड (भूमि और राजस्व विभाग), दरभंगा हाउस, राँची – 834029 (झारखण्ड) के कार्यालय में या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड़ा क्षेत्र, जिला रामगढ़ (झारखण्ड) के कार्यालय में या उपायुक्त, जिला रामगढ़ (झारखंड) के कार्यालय में या महाप्रबंधक (खोज प्रभाग) आर.आई.-III, केन्द्रीय खान योजना एवं डिजाइन संस्थान लिमिटेड, गोंडवाना पैलेस, कांके रोड, राँची (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता- 700001 के कार्यालय में किया जा सकता है;

अतः अब, केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 4 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त अनुसूची में वर्णित भूमि में कोयले का पूर्वक्षण करने के अपने आशय की सूचना देती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति --

- (i) उक्त अधिनियम की धारा 4 की उप-धारा (3) के अधीन की गई कार्रवाई से हुई क्षति या संभावित क्षति के लिए उक्त अधिनियम की धारा 6 के अधीन प्रतिकर का दावा कर सकेगा; या
- (ii) उक्त अधिनियम की धारा 13 की उप - धारा (1) के अधीन समाप्त हो गई पूर्वक्षण अनुज्ञप्तियों के संबंध में या उक्त अधिनियम की धारा 13 की उप - धारा (4) के अधीन समाप्त हो गये खनन पट्टे के लिए प्रतिकर का दावा कर सकेगा और उक्त अधिनियम की धारा 13 की उपधारा (1) के खण्ड (i) से खंड (iv) में विनिर्दिष्ट मर्दों के संबंध में उपगत व्यय को उपदर्शित करने के लिए पूर्वोक्त भूमि से संबंधित सभी मानचित्रों, सारणियों और अन्य दस्तावेजों को,

इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नब्बे दिनों के भीतर महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, अरगड़ा क्षेत्र, जिला रामगढ़ (झारखंड) या महाप्रबंधक, सेंट्रल कोलफील्ड्स लिमिटेड, भूमि और राजस्व विभाग, दरभंगा हाउस, राँची – 834029 (झारखण्ड) को सुपुर्द करेगा ।



**अनुसूची**  
सिरका ओसीपी (1.5 मिलियन टन प्रतिवर्ष )  
जिला - रामगढ़ (झारखण्ड)

[ रेखांक संख्यांक आर्डर/ 08/ 2022, तारीख 26 जुलाई, 2022 ]

ब्लॉक	ग्राम	थाना सं.	अंचल अथवा थाना	जिला	अर्जन के अधीन रकबा		टिप्पणी
					( एकड़ में )	( हेक्टेयर में )	
ए	सिरका	136	रामगढ़	रामगढ़	96.15	38.91	भाग
बी	सिरका	136	रामगढ़	रामगढ़	127.73	51.69	भाग
सी	सिरका	136	रामगढ़	रामगढ़	1.15	0.47	भाग
डी	सिरका	136	रामगढ़	रामगढ़	2.54	1.03	भाग
ई	सिरका	136	रामगढ़	रामगढ़	0.02	0.01	भाग
एफ	सिरका	136	रामगढ़	रामगढ़	1.98	0.80	भाग
कुल रकबा (ए+बी+सी+डी+ई+एफ):					229.57 एकड़ (लगभग)	92.91 हेक्टेयर (लगभग)	

**सीमा वर्णन :**

ब्लॉक	सीमा रेखा	सीमा वर्णन
ए	ए1- ए 2- ए 3- ए 4- ए 5-ए6-ए7-ए8- ए9-ए10-ए11-ए12-ए13-ए14-ए15- ए16-ए17-ए18- ए19- ए20- ए21- ए22- ए23- ए24- ए25- ए26- ए27- ए1.	रेखा बिन्दु 'ए1' से आरंभ होकर ए2, ए3, ए4, ए5, ए6, ए7, ए8, ए9, ए10, ए11, ए12, ए13, ए14, ए15, ए16, ए17, ए18, ए19, ए20, ए21, ए22, ए23, ए24, ए25, ए26, ए27 से गुजरते हुए और आरंभिक बिन्दु 'ए1' पर मिलती है।
बी	बी1 - बी2 - बी3 - बी4 - बी5 - बी6 - बी7 - बी8 - बी9 - बी10 - बी11 -बी12 - बी13 - बी14 - बी15 - बी16 - बी17 - बी18 - बी19 - बी20 - बी21 - बी22 - बी23 - बी24 - बी25 - बी26 - बी27 - बी28 - बी29 - बी30 - बी31 - बी32 - बी33 - बी34 - बी 35 - बी36 - बी37 - बी38 -बी39 - बी40 - बी41- बी42 - बी43 - बी44 - बी45 - बी46 - बी47 - बी48 - बी49 - बी50 - बी51 - बी52 -	रेखा बिन्दु 'बी1' से आरंभ होकर बी2, बी3, बी4, बी5, बी6, बी7, बी8, बी9, बी10, बी11, बी12, बी13, बी14, बी15, बी16, बी17, बी18, बी19, बी20, बी21, बी22, बी23, बी24, बी25, बी26, बी27, बी28, बी29, बी30, बी31, बी32, बी33, बी34, बी35, बी36, बी37, बी38, बी39, बी40, बी41, बी42, बी43, बी44, बी45, बी46, बी47, बी48, बी49, बी50, बी51, बी52, बी53, बी54, बी55, बी56, बी57, बी58, बी59, बी60, बी61, बी62, बी63, बी64, बी65, बी66, बी67, बी68, बी69, बी70, बी71, बी72, बी73, बी74, बी75, बी76, बी77, बी78, बी79 से



	बी53 - बी54 - बी55 - बी56 - बी57 - बी58 - बी59 - बी60 - बी61 - बी62 - बी63 - बी64 - बी65 - बी66 - बी67 - बी68 - बी69 - बी70 - बी71 - बी72 - बी73 - बी74 - बी75 - बी76 - बी77 - बी78 - बी79 - बी1.	गुजरते हुए और आरंभिक बिन्दु 'बी1' पर मिलती है।
सी	सी1 - सी2 - सी3 - सी4 - सी5 - सी1.	रेखा बिन्दु 'सी1' से आरंभ होकर बिन्दु सी2, सी3, सी4, सी5 से गुजरते हुए और आरंभिक बिन्दु 'सी1' पर मिलती है।
डी	डी1 - डी2 - डी3 - डी4 - डी5 - डी6 - डी7 - डी8 - डी9 - डी10 - डी1.	रेखा बिन्दु 'डी1' से आरंभ होकर बिन्दु डी2, डी3, डी4, डी5, डी6, डी7, डी8, डी9, डी10 से गुजरते हुए और आरंभिक बिन्दु 'डी1' पर मिलती है।
ई	ई1 - ई2 - ई3 - ई1.	रेखा बिन्दु 'ई1' से आरंभ होकर बिन्दु ई2, ई3 से गुजरते हुए और आरंभिक बिन्दु 'ई1' पर मिलती है।
एफ	एफ1 - एफ2 - एफ3 - एफ4 - एफ5 - एफ6 - एफ7- एफ1.	रेखा बिन्दु 'एफ1' से आरंभ होकर बिन्दु एफ2, एफ3, एफ4, एफ5, एफ6, एफ7 से गुजरते हुए और आरंभिक बिन्दु 'एफ1' पर मिलती है।

[फा. सं. 43015/12/2022-एलए एण्ड आईआर]

राम शिरोमणि सरोज, निदेशक

New Delhi, the 14th September, 2022

**S.O. 801.**—Whereas, it appears to the Central Government that coal is likely to be obtained from the land in the locality described in the Schedule annexed hereto;

And, whereas, the plan bearing number Rev/08/2022, dated the 26<sup>th</sup> July, 2022, containing details of the areas of land described in the said Schedule may be inspected at the office of the Central Coalfields Limited (Land and Revenue Department), Darbhanga House, Ranchi- 834029 (Jharkhand) or at the office of the General Manager, Central Coalfields Limited, Argada Area, District Ramgarh (Jharkhand) or at the office of the Deputy commissioner, District Ramgarh (Jharkhand) or at the office of the General Manager (Exploration Division), RI- III, Central Mine Planning and Design Institute, Gondwana Palace, Kanke Road, Ranchi (Jharkhand) or at the office of the Coal Controller, I, Council House Street, Kolkata- 700 001;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government hereby gives notice of its intention to prospect for coal in land described in the said Schedule ;

Any person interested in the land described in the said Schedule may –

- claim compensation under section 6 of the said Act for any damage caused or likely to be caused by any action taken under sub-section (3) of section 4 of the said Act; or
- claim compensation under sub-section (1) of section 13 of the said Act in respect of prospecting license ceasing to have effect or under sub-section (4) of section 13 of the said Act, for mining lease ceasing to have effect and deliver all maps, charts and other documents relating to the aforesaid land to show the expenditure incurred in respect of items specified in clauses (i) to (iv) of sub-section (1) of section 13 of the said Act,

to the office of the General Manager, Central Coalfields Limited, Argada Area, District Ramgarh (Jharkhand) or General Manager, Central Coalfields Limited, Land and Revenue Department, Darbhanga House, Ranchi- 834029 (Jharkhand) within a period of ninety days from the date of publication of this notification in the Official Gazette.

**SCHEDULE****SIRKA OCP (1.5 MILLION TONNE PER YEAR)  
DISTRICT- RAMGARH (JHARKHAND)**[ plan bearing number Rev/08/2022, dated the 26<sup>th</sup> July, 2022 ]

Block	Village	Thana number	Circle or Thana	District	Area under acquisition		Remarks
					(in acres)	(in hectares)	
<b>A</b>	Sirka	136	Ramgarh	Ramgarh	96.15	38.91	Part
<b>B</b>	Sirka	136	Ramgarh	Ramgarh	127.73	51.69	Part
<b>C</b>	Sirka	136	Ramgarh	Ramgarh	1.15	0.47	Part
<b>D</b>	Sirka	136	Ramgarh	Ramgarh	2.54	1.03	Part
<b>E</b>	Sirka	136	Ramgarh	Ramgarh	0.02	0.01	Part
<b>F</b>	Sirka	136	Ramgarh	Ramgarh	1.98	0.80	Part
Total Area (A+B+C+D+E+F):					229.57 acres (approx- mately)	92.91 hectares (approx- mately)	

**Boundary Description :**

Block	Boundary Line	Boundary Description
A	A1-A2-A3-A4-A5-A6-A7-A8-A9-A10-A11-A12-A13-A14-A15-A16-A17-A18-A19-A20-A21-A22-A23-A24-A25-A26-A27-A1.	Line starts from point 'A1' and passes through points A2, A3, A4, A5, A6, A7, A8, A9, A10, A11, A12, A13, A14, A15, A16, A17, A18, A19, A20, A21, A22, A23, A24, A25, A26, A27 and meets at starting point 'A1'.
B	B1-B2-B3-B4-B5-B6-B7-B8-B9-B10-B11-B12-B13-B14-B15-B16-B17-B18-B19-B20-B21-B22-B23-B24-B25-B26-B27-B28-B29-B30-B31-B32-B33-B34-B35-B36-B37-B38-B39-B40-B41-B42-B43-B44-B45-B46-B47-B48-B49-B50-B51-B52-B53-B54-B55-B56-B57-B58-B59-B60-B61-B62-B63-B64-B65-B66-B67-B68-B69-B70-B71-B72-B73-B74-B75-B76-B77-B78-B79-B1	Line starts from point 'B1' and passes through points B2, B3, B4, B5, B6, B7, B8, B9, B10, B11, B12, B13, B14, B15, B16, B17, B18, B19, B20, B21, B22, B23, B24, B25, B26, B27, B28, B29, B30, B31, B32, B33, B34, B35, B36, B37, B38, B39, B40, B41, B42, B43, B44, B45, B46, B47, B48, B49, B50, B51, B52, B53, B54, B55, B56, B57, B58, B59, B60, B61, B62, B63, B64, B65, B66, B67, B68, B69, B70, B71, B72, B73, B74, B75, B76, B77, B78, B79 and meets at starting point 'B1'.
C	C1-C2-C3-C4-C5-C1.	Line starts from point 'C1' and passes through points C2, C3, C4, C5 and meets at starting point 'C1'.
D	D1-D2-D3-D4-D5-D6-D7-D8-D9-D10-D1.	Line starts from point 'D1' and passes through points D2, D3, D4, D5, D6, D7, D8, D9, D10 and meets at starting point 'D1'.
E	E1-E2-E3-E1.	Line starts from point 'E1' and passes through points E2, E3 and meets at starting point 'E1'.
F	F1-F2-F3-F4-F5-F6-F7-F1.	Line starts from point 'F1' and passes through points F2, F3, F4, F5, F6, F7 and meets at starting point 'F1'.

[F. No. 43015/12/2022-LA &amp;IR ]

RAM SHIROMANI SAROJ, Director

**श्रम और रोजगार मंत्रालय**

नई दिल्ली, 12 जुलाई, 2022

**का.आ. 802.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अध्यक्ष एवं प्रबंध निदेशक, भारत संचार निगम लिमिटेड, भारत संचार भवन, हरीश चंद्र, माथुर लेन, जनपथ, नई दिल्ली, श्रीमती नेहा सिंह, अवर सचिव, एसईए-द्वितीय, दूरसंचार विभाग, 521, संचार भवन, 20 अशोक रोड, नई दिल्ली, के प्रबंधन के संबद्ध नियोजकों और श्रीमती लक्ष्मी ढींगरा, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-2 नई दिल्ली पंचाट(संदर्भ संख्या 109/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 12.07.2022 को प्राप्त हुआ था।

[सं. एल- 42025-07-2022-22- आईआर-(डीयू)]

डी. के. हिमांशु, अवर सचिव

**MINISTRY OF LABOUR AND EMPLOYMENT**

New Delhi, the 12th July, 2022

**S.O. 802.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/2021) of the Central Government Industrial Tribunal cum Labour Court - II New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to The Chairman & Managing Director, Bharat Sanchar Nigam Ltd. Bharat Sanchar Bhawan, Harish Chandra, Mathur Lane, Janpath, New Delhi.; Smt. Neha Singh, Under-Secretary, SEA-II, Department of Telecommunications, 521, Sanchar Bhawan, 20 Ashoka Road, New Delhi, and Smt. Laxmi Dhingra, worker which was received along with soft copy of the award by the Central Government on 12.07.2022.

[No. L- 42025-07- 2022-22-IR(DU)]

D.K.HIMANSHU, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI**

**Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 109/2021****Date of Passing Award- 11.05.2022****Between:**

Smt. Laxmi Dhingra,  
R/o Flat No. 16, Building No. 152,  
Gali No. 02, Saidulajab,  
Saket, Near Saket Metro Station,  
New Delhi 110030.

... Workman

**Versus**

1. The Chairman & Managing Director,  
Bharat Sanchar Nigam Ltd.  
Bharat Sanchar Bhawan, Harish Chandra,  
Mathur Lane, Janpath, New Delhi- 110001.
2. Smt. Neha Singh, Under-Secretary, SEA-II,  
Department of Telecommunications,  
521, Sanchar Bhawan, 20 Ashoka Road,  
New Delhi-110001.

...Managements

**Appearances:-**

Claimant in person (A/R) : For the Claimant

Shri Swatantra Rai (A/R) : For the Management

**AWARD**

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of (i) BSNL, and (ii) Department of Telecommunications and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L- ND.96(18)/ID (2A) 2021-DYCLC dated 27/05/2021 to this tribunal for adjudication to the following effect.

**“Whether the action of the management of BSNL to terminate the services of Smt. Laxmi Dhingra without paying terminal benefits and promotion to the workman is correct, if not what other relief she is entitled to?”**

This is a reference received from the appropriate government for adjudication in the following terms:-

On receipt of the reference notices were issued to the claimant Laxmi Dhingra and the management BSNL. After service of the notice the claimant did not appeared and filed one application seeking a direction to the management for supply of documents relating to her service particulars for the period 19984 to 2007. That petitions were allowed and the management by order dated 04.08.2021 was directed to provide attested true copies of the documents to the claimant. On 13.09.2021 the management filed soft copies of the said documents but a direction was given for supply of the hard copies. On 25.10.2021 the management filed hard copies of the documents but the claimant did not collect the same from the tribunals filed. Thereafter several adjournments are made for filing of the claim statement. Today, by sending the email the claimant has expressed her intention not to file any claim statement. In view of the same this award is passed in the following manner.

**ORDER**

The reference be and the same is answered against the claimant as no claim has been advanced by the claimant. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer.

नई दिल्ली, 25 अगस्त, 2022

**का.आ. 803.**—राष्ट्रपति, न्यायाधीश (सेवानिवृत्त) केसांग डोमा भुटिया को दिनांक 19.08.2022 के पूर्वाह्न से 65 वर्ष की आयु अर्थात् 04.05.2025 तक अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय औद्योगिक अधिकरण, कोलकाता के पीठासीन अधिकारी के रूप में नियुक्त करते हैं।

[सं. अ-19011/01/2022-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 25th August, 2022

**S.O. 803.**—The President is pleased to appoint Justice (Retd.) Kesang Doma Bhutia as Presiding Officer, National Industrial Tribunal, Kolkata with effect from 19.08.2022(F/N) and till she attains the age of 65 years i.e. upto 04.05.2025 or until further orders, whichever is earlier.

[No. A-19011/01/2022-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 25 अगस्त, 2022

**का.आ. 804.**—राष्ट्रपति, न्यायाधीश (सेवानिवृत्त) विकास कुंवर श्रीवास्तव को दिनांक 22 अगस्त, 2022 के पूर्वाह्न से 21 अगस्त, 2026 तक 4 वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, तक के लिए, केंद्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय न. 1, दिल्ली में पीठासीन अधिकारी के पद पर नियुक्त करते हैं।

2. न्यायाधीश (सेवानिवृत्त) विकास कुंवर श्रीवास्तव की पीठासीन अधिकारी, केंद्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय के पद पर नियुक्ति अधिकरण सुधार अधिनियम, 2021 और उसके तहत बने नियम यानि अधिकरण (सेवा की शर्तें) नियम, 2021 के अनुसार विनियमित की जाएगी।

[सं. अ-19011/03/2022-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 25th August, 2022

**S.O. 804.**—The President is pleased to appoint Justice (Retd.) Vikas Kunvar Srivastav as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi for a period of 4 years with effect from the forenoon of the 22<sup>nd</sup> August, 2022 up to 21<sup>st</sup> August, 2026 or until further orders, whichever is earlier.

2. The appointment of Justice (Retd.) Vikas Kunvar Srivastav as Presiding Officer, CGIT-cum-LC shall be regulated in terms of the Tribunal Reforms Act, 2021 and the rules made thereunder, i.e. Tribunals (Conditions of Service) Rules, 2021.

[No. A-19011/03/2022-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 25 अगस्त, 2022

**का.आ. 805.**—राष्ट्रपति, श्री इरफ़ान क़मर को दिनांक 22 अगस्त, 2022 के अपराह्न से 21 अगस्त, 2026 तक 4 वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, तक के लिए केंद्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, हैदराबाद में पीठासीन अधिकारी के पद पर नियुक्त करते हैं।

2. श्री इरफ़ान क़मर की पीठासीन अधिकारी, केंद्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय के पद पर नियुक्ति अधिकरण सुधार अधिनियम, 2021 और उसके तहत बने नियम यानि अधिकरण (सेवा की शर्तें) नियम, 2021 के अनुसार विनियमित की जाएगी।

[सं. अ-19011/06/2022-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 25th August, 2022

**S.O. 805.**—The President is pleased to appoint Sh. Irfan Qamar as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court, Hyderabad for a period of 4 years with effect from the afternoon of the 22<sup>nd</sup> August, 2022 up to 21<sup>st</sup> August, 2026 or until further orders, whichever is earlier.

2. The appointment of Sh. Irfan Qamar as Presiding Officer, CGIT-cum-LC shall be regulated in terms of the Tribunal Reforms Act, 2021 and the rules made thereunder, i.e. Tribunals (Conditions of Service) Rules, 2021.

[No. A-19011/06/2022-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 25 अगस्त, 2022

**का.आ. 806.**—राष्ट्रपति, श्री सुनील कुमार सिंह - I को दिनांक 23 अगस्त, 2022 के पूर्वाह्न से 22 अगस्त, 2026 तक 4 वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, तक के लिए केंद्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, अहमदाबाद में पीठासीन अधिकारी के पद पर नियुक्त करते हैं।

2. श्री सुनील कुमार सिंह - I की पीठासीन अधिकारी, केंद्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय के पद पर नियुक्ति अधिकरण सुधार अधिनियम, 2021 और उसके तहत बने नियम यानि अधिकरण (सेवा की शर्तें) नियम, 2021 के अनुसार विनियमित की जाएगी।

[सं. अ-19011/08/2022-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 25th August, 2022

**S.O. 806.**—The President is pleased to appoint Sh. Sunil Kumar Singh-I as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for a period of 4 years with effect from the forenoon of the 23<sup>rd</sup> August, 2022 up to 22<sup>nd</sup> August, 2026 or until further orders, whichever is earlier.

2. The appointment of Sh. Sunil Kumar Singh-I as Presiding Officer, CGIT-cum-LC shall be regulated in terms of the Tribunal Reforms Act, 2021 and the rules made thereunder, i.e. Tribunals (Conditions of Service) Rules, 2021.

[No. A-19011/08/2022-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 2 सितम्बर, 2022

**का.आ. 807.**—राष्ट्रपति, न्यायाधीश (सेवानिवृत्त) आनंद कुमार मुखर्जी को दिनांक 01 सितम्बर, 2022 के पूर्वाह्न से 31 अगस्त, 2026 तक 4 वर्षों की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, तक के लिए केंद्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, आसनसोल में पीठासीन अधिकारी के पद पर नियुक्त करते हैं।

2. न्यायाधीश (सेवानिवृत्त) आनंद कुमार मुखर्जी की पीठासीन अधिकारी, केंद्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय के पद पर नियुक्ति अधिकरण सुधार अधिनियम, 2021 और उसके तहत बने नियम यानि अधिकरण (सेवा की शर्तें) नियम, 2021 के अनुसार विनियमित की जाएगी।

[सं. अ-19011/07/2022-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 2nd September, 2022

**S.O. 807.**—The President is pleased to appoint Justice (Retd.) Ananda Kumar Mukherjee as Presiding Officer of Central Government Industrial Tribunal-cum-Labour Court, Asansol for a period of 4 years with effect from the forenoon of the 01<sup>st</sup> September, 2022 up to 31<sup>st</sup> August, 2026 or until further orders, whichever is earlier.

2. The appointment of Justice (Retd.) Ananda Kumar Mukherjee as Presiding Officer, CGIT-cum-LC shall be regulated in terms of the Tribunal Reforms Act, 2021 and the rules made thereunder, i.e. Tribunals (Conditions of Service) Rules, 2021.

[No. A-19011/07/2022-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 7 सितम्बर, 2022

**का.आ. 808.**—राष्ट्रपति, श्रीमती दीप्ती मोहपात्रा, पीठासीन अधिकारी केन्द्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय, चेन्नई को दिनांक 19.08.2022 से छः माह तक की अवधि अथवा नियमित आधार पर पद के भरे जाने तक अथवा अगले आदेश तक, जो भी पहले हो तब तक, केन्द्रीय सरकार औद्योगिक अधिकरण सह-श्रम न्यायालय, एर्नाकुलम के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौंपते हैं।

[सं. अ-11016/05/2020-सीएलएस-II(ई)]

धनंजय शर्मा, अवर सचिव

New Delhi, the 7th September, 2022

**S.O. 808.**—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ernakulam to Smt. Dipti Mohapatra, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Chennai for a period of six months with effect from 19.08.2022 or till the post is filled on regular basis or until further orders, whichever is the earliest.

[No. A-11016/05/2020-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 7 सितम्बर, 2022

**का.आ. 809.**—राष्ट्रपति, श्री सुनील कुमार सिंह-I, पीठासीन अधिकारी केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, अहमदाबाद को दिनांक 05.09.2022 से छः माह तक की अवधि अथवा नियमित आधार पर पद के भरे जाने तक अथवा अगले आदेश तक, जो भी पहले हो तब तक, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, जयपुर के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौंपते हैं।

[सं. अ-11016/04/2021-सीएलएस.II(ई)]

धनञ्जय शर्मा, अवर सचिव

New Delhi, the 7th September, 2022

**S.O. 809.**—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Jaipur to Sh. Sunil Kumar Singh-I, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad for a period of six months with effect from 05.09.2022 or till the post is filled on regular basis or until further orders, whichever is the earliest.

[No. A-11016/04/2021-CLS-II(E)]

DHANANJAY SHARMA, Under Secy.

नई दिल्ली, 7 सितम्बर, 2022

**का.आ. 810.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.सी. सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 44/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.08.2022 को प्राप्त हुआ था।

[सं. एल-20012/504/2000-आई.आर. (सी-I)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 7th September, 2022

**S.O. 810.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2001) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 26.08.2022.

No. L-20012/504/2000 – IR (C-I)

RAJENDER SINGH, Under Secy.



## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 44/2001**

Employer in relation to the management of Bastacolla Area of M/s. BCCL.

AND

Their workman

**Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For the Employers : None

For the workman. : None

State : Jharkhand

Industry:- Coal

Dated 28.07.2022

## AWARD

By Order No.L-20012/504/2000-(C-I) dated 12.02.2001 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

## SCHEDULE

“क्या भारत कोकिंग कोल लिमि., बस्ताकोला कोलि. के प्रबंधतंत्र द्वारा श्री तेजो भुईया, ट्रामर को काम पर आने से रोकने तथा वेतन की अदायगी न किया जाना विधिवत नियमानुसार एवं न्यायसंगत है? यदि नहीं तो कर्मकार किस राहत के पात्र हैं?”

2. This reference is received on 08/03/2001 by this Tribunal in which the Organising Secretary, Janta Mazdoor Sangh, Dhanbad had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of received of reference but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Now case is pending since 08/03/2001 and workman/union as well as management is not appearing before Tribunal, so it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 7 सितम्बर, 2022

**का.आ. 811.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 1, धनबाद के पंचाट (संदर्भ संख्या 86/1990) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26.08.2022 को प्राप्त हुआ था।

[सं. एल-20012/306/89-आई.आर. (सी-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 7th September, 2022

**S.O. 811.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 86/1990) of the Central Government Industrial Tribunal-cum-Labour Court No.1, DHANBAD as shown in the Annexure, in the industrial dispute between the Management of B.C.C.L. and their workmen, received by the Central Government on 26.08.2022.

[No. L-20012/306/89- IR (C-I)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, DHANBAD**In the matter of reference U/S 10 (1) (d) (2A) of I.D.Act. 1947**Reference: No. 86/1990**

Employer in relation to the management of Bhatdee Colliery in Mahuda Area No.II of M/s. BCCL

**AND****Their workman****Present:** Shri Dinesh Kumar Singh, Presiding Officer**Appearances:**

For Employer : Sri D. K. Verma, Advocate

For workman : Sri C. Prasad, Advocate

State : Jharkhand

Industry:- Coal

Dated 29.07.2022

**AWARD**

By Order No.L-20012/306/89-IR(C-I) dated- Nil, the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

**SCHEDULE**

**“Whether the management of Bhatdee Colliery in Mahuda Area No. II of M/s. Bharat Coking Coal Ltd., P.O. Mohuda Distt. Dhanbad (Bihar) is justified in dismissing the workman Shri Ram Singh Under-ground Munshi w.e.f. 22.2.1988? If not, to what relief the said workman is entitled?”**

2. The Tribunal in this matter has passed an award on 09/09/2009 holding that since the concerned workman has already died and nobody has been substituted, a ‘No Dispute’ Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

3. The dependent of concerned workman namely Ram Singh being aggrieved by the said award filed a writ petition bearing W.P. (L) No. 5719 of 2010 before the Hon’ble High Court of Jharkhand at Ranchi. The Hon’ble High Court of Jharkhand at Ranchi has been pleased to hold-

“the Industrial Tribunal committed a serious error in law in dismissing the substitution application dated 04/01/2009. Award dated 09/09/2009 cannot sustain the scrutiny in law. The said award has been passed by the Industrial Tribunal in gross violation of the mandatory statutory requirement under the Industrial Disputes Act, 1947. In the result the writ petition is allowed. Reference No. 86 of 1990 is restored to its original file. The Industrial Tribunal is ordered to proceed in the matter in accordance with law.”

4. After production of the order of Hon’ble High Court of Jharkhand at Ranchi passed in W.P.(L) No. 5719 of 2010 on 21/05/2015 sufficient opportunity were given to both the parties and both the parties were heard at length again.

5. The case of the sponsoring union as per its statement of claim is as follows:-

That the workman Sri Ram Singh (now deceased) was appointed as Munshi, Underground on 05/03/1968 at Bhatdee Colliery in Mahuda Area No. II and he was dismissed from his service vide Letter No. B/419, dated 20/2/1988 of the Dy. C.M.E./Agent, Bhatdee Colliery. After that, the concerned workman had raised an Industrial Dispute before the Assistant Labour Commissioner (C), Dhanbad through sponsoring union and after failure of the conciliation proceeding the matter was referred to the Ministry for reference of this case.

The concerned workman namely Ram Singh (now deceased) was directed to appear before the Apex Medical Board for his age determination as a result, the concerned workman appeared before Apex Medical Board where he came to see that a certificate of the Board of High School & Intermediate Education, Uttar Pradesh of his own name. The concerned workman totally denied the aforesaid Certificate, which was found with the Apex Medical Board and he had got no concern with the Matriculation Certificate. The concerned workman had never produced any Certificate before the management, rather he was falsely implicated in the present case by somebody for which he had given an information to the local Police Station, Mahuda, which was registered as Station Diary Entry No. 207, dated 15/10/1986, in which he had mentioned the name of Ragho Babu son of Bishwanath Singh of Bhatdee Bazar. The concerned workman had apprehension in his mind that Ragho Babu might have played a foul game with him by

producing the fake Matriculation Certificate. The concerned workman had denied the allegation levelled against him in the domestic enquiry proceeding as he had not passed matriculation examination. The concerned workman had not been given reasonable opportunity to defend himself in the domestic enquiry proceeding. The concerned workman was innocent and had not committed any offence rather he had been put into wrong box by wicked persons. The management without going into the depth of the facts, whimsically dismissed the concerned workman from service.

A prayer has been made to pass an Award in favour of the workman.

6. On the other hand the case of the management as per written statement-cum-rejoinder filed by the General Manager, Mahuda Area BCCL Area 2, Dhanbad is as follows:-

That the concerned workman had submitted a document purported to be his Matriculation Certificate in proof of his age and qualification and the management had accepted the same in good faith. Subsequently the management had entered the date of birth of the concerned workman in the Form 'B' Register as per the entries in the aforesaid Matriculation Certificate but later on, it transpired that the purported Matriculation Certificate was manufacturer document procured by the concerned workman in support of proof of his age and qualification with malafide intention. In the Matriculation Certificate submitted by the concerned workman, 7581 has been mentioned as number and the same has been issued by Board of High School and Intermediate Education, Uttar Pradesh on 30/06/1998 on the basis of examination held in March and April, 1958 in which the date of birth of workman has been mentioned as 24/01/1942. The date of birth as mentioned in the aforesaid Certificate was accepted as a proof of age of concerned workman and the same was entered in the Form 'B' Register of the concerned workman. The concerned workman could not be promoted to the next higher clerical grade if he would not possess a Matriculation or equivalent Certificate, so the Matriculation Certificate was necessary for the concerned workman for his future promotion and in proof of his age. In the enquiry proceeding it revealed that the Matriculation Certificate bearing no. 7581 was issued in the name of Kumari Chandra Mohini, daughter of Sri Gobardhan Das, so the concerned workman got that Certificate manufactured. The concerned workman was issued a charge-sheet dated 23.03.1987/01.04.1987 alleging commission of misconducts of fraud or dishonesty and giving false age and qualification certificate. The concerned workman had submitted his reply on 07/04/1987 which was found unsatisfactory. Thereafter management had appointed Sri P.M Prasad Dy. PM, Mohuda Area to conduct departmental enquiry into the charge-sheet and the concerned workman had participated in the proceeding. After conclusion of enquiry the Enquiry Officer submitted his enquiry report holding the concerned workman guilty of misconduct as alleged against him and subsequently the concerned workman was dismissed from his service vide letter dated 20/02/1988.

The management by way of rejoinder has stated that the contents of Para no.1 of the written statement of workman are based on reproduction of the terms of reference, the contents of Para nos. 2 and 3 of the written statement of workman are matters of record, the contents of Para nos. 4, 5 and 6 of the written statement of workman are not fully correct, the contents of Para nos. 7 and 8 of the written statement of workman are incorrect and the same are denied, the contents of Para nos. 9 and 10 of the written statement of workman are matters of record and the contents of the rest of the paras of the written statement of workman are incorrect and the same are denied.

7. The sponsoring union has submitted rejoinder to the written statement of the management in which it has been stated that the statement made in Para no.1 of the written statement of management is matter of record, the statement made in Para nos. 2, 4 to 6 are denied, the statement made in Para nos. 7, 9 and 10 are not correct, the statement made in Para no.8 is correct, the statement made in Para no. 11 is not justified and the statement made in Para nos.12 to 19 are the rejoinder of the management.

8. The sponsoring union has neither examined any witness in support of its case nor has produced any documents.

9. The management has also not examined any witness in this case but has proved following documents which are marked as :-

**Exhibit M-1-** Copy of Charge-sheet dated 23.3/01.04.1987.

**Exhibit M-2-** Copy of reply to the Charge-sheet dated 23.3/01.04.1987.

**Exhibit M-3-** Letter of appointment of Enquiry Officer and the Presenting Officer.

**Exhibit M-4-** Copy of the enquiry proceedings along with Exhibit notices enquiries and all connected papers relating to enquiry.

**Exhibit M-5-** Copy of Enquiry Report.

**Exhibit M-6-** Copy of Note sheet dated 12/02/1988 relating to approval for dismissal.

**Exhibit M-7-** Copy of Letter dated 20/02/1988 regarding Dismissal Order.

10. The learned lawyer of the sponsoring union has submitted before the Tribunal that the concerned workman had been directed to appear before the Apex Medical Board for his age determination and in pursuance to such

direction the concerned workman had appeared before the Board where he found a fake certificate of Board of High School & Intermediate Education, Uttar Pradesh of his own name. He has also submitted that the said concocted and fabricated certificate was found with the Apex Medical Board without any petition for filing before the same and it was not within the knowledge of the concerned workman. He has also argued that the concerned workman had never produced the said certificate to the management and on finding foul play by the co-worker in connivance with management of the colliery, the concerned workman had filed a complaint to local police station, Mahuda which was registered in Station Diary Entry No. 207 dated 15/10/1986. He has further submitted that the management had issued a charge-sheet to the concerned workman and the same was replied but the reply was not found satisfactory by the management and subsequently a domestic enquiry proceeding was started against him. He has further submitted that the management was biased against the concerned workman due to his filing a complaint before the Mahuda Police Station. He has further submitted that the management had not produced before the Enquiry Officer said false and fabricated certificate. He has also argued that the Tribunal after hearing on preliminary issue has held the enquiry fair and proper. He has made prayer that since the concerned workman has been dismissed from service and the case may be dealt with under section 11-A of the Industrial Dispute Act, 1947. He has also submitted that the alleged false, fake certificate of education has not been marked as Exhibit, so it may not be taken into consideration. He has also argued that the signatures of concerned workman were obtained forcibly on the departmental enquiry proceeding. He has further argued that the copy of the enquiry report had not been supplied to the concerned workman which is violatory of the principle of natural justice. He has relied on the decision of Hon'ble Supreme Court as reported in 1991 SCC (L&S) 612.

11. The learned lawyer of management has submitted before the Tribunal that the concerned workman had submitted his Matriculation Certificate in proof of his age and qualification which was accepted by the management in good faith and subsequently entered the date of birth in the Form 'B' Register as per the entries in the aforesaid Matriculation Certificate but later on it transpired that the purported Matriculation Certificate was a manufactured document procured by the concerned workman in support of his proof of age and qualification. He has also argued that the purported certificate of matriculation bearing no. 7581 was issued by the Board of High School & Intermediate Education, Uttar Pradesh on 30/06/1958 on the basis of examination held in March and April 1958 in which the date of birth had been shown as 24/01/1942. He has further argued that on the basis of said purported matriculation certificate of workman the date of birth of the concerned workman was accepted as proof of his age and the same was entered in the Form 'B' Register. He has also submitted that the workman being a clerical grade could not be promoted to the next higher clerical grade unless he possessed a matriculation or equivalent certificate, so the matriculation certificate was necessary for the concerned workman for his future promotion and in proof of his age. He has also argued that after enquiry it was found that the matriculation certificate bearing no. 7581 was issued in the name of Kumari Chandra Mohini, daughter of Sri Gobardhan Das and the concerned workman had procured the said certificate with mala-fide intention. He has further submitted that the concerned workman was issued a charge-sheet dated 23-03-1987/01-04-1987 and subsequently he had submitted his reply on 07/04/1987 which was not found satisfactory and thereafter a domestic enquiry was held in which the charges against the concerned workman was established and thereafter he was dismissed from the service. He has also argued that the departmental enquiry conducted against the concerned workman has been held fair and proper vide order dated 18/02/2016 of this Tribunal. He has also submitted that the punishment awarded to the concerned workman is proportionate as he had produced fake matriculation certificate which amounts to fraud to the Company. He has made prayer that provisions of u/s 11-A of the I.D. Act may not be invoked in this case. He has relied on the decision of Hon'ble Supreme Court as reported in 2018(4) JLR (SC) 115, AIR 2004 SC 4096 and AIR, 1996 SC 686.

12. Now, the only point of determination in this case is whether the action of the management in dismissing the workman Shri Ram Singh is justified or not?

### **FINDINGS**

13. At the outset of discussion it is required to mention here that it is an admitted fact that the concerned workman namely Ram Singh (now deceased) was a Munshi at Bhatdee Colliery in Mahuda Area No. II. It is also admitted fact that a departmental enquiry was conducted against the concerned workman and after conclusion of departmental enquiry, the Enquiry Officer submitted his report holding the concerned workman guilty of alleged misconduct and subsequently the workman was dismissed from the service.

14. It is relevant to mention here that on admission of both the parties the documents of domestic enquiry proceeding is marked as Exhibit M-1 to Exhibit M-7. It appears from order sheet dated 23/08/1995 that since the management has failed to adduce evidence, so the workman is called upon to adduce evidence on the preliminary issue but on 03/11/1995 the workman has not produced any witness on its behalf and both the side agreed to argue on the preliminary issue.

15. It is also required to mention here that the Tribunal after hearing learned lawyer of both the parties has held on 18/02/2016 that the enquiry conducted against the concerned workman is fair and proper.

16. It is relevant to mention here that in this case the Tribunal has already held the enquiry fair and proper, so it is not proper to go into the enquiry proceeding in this case but since the learned lawyer of the sponsoring union has raised the issue that the management had not produced the purported matriculation certificate of the concerned workman, so the Tribunal thinks it examine the documents produced in course of domestic enquiry.

After going through the enquiry proceeding report it appears that a certificate bearing no. 07581 standing in the name of Ram Singh, son of Sri Kailash Singh issued by Board of High School and Intermediate Education, Uttar Pradesh on 30/06/1958 mentioning his date of birth as 24/01/1942 is attached with the enquiry proceeding and the same has been marked as Exhibit No.1 of the enquiry proceeding but after enquiry it was found that the matriculation certificate bearing no. 7581 was issued in the name of Kumari Chandra Mohini daughter of Sri Gobardhan Das.

17. It is also relevant to mention here that the learned lawyer of the sponsoring union has raised the issue that he had not produced such documents before the management in support of his age and qualification.

In this regard it is required to mention here that no oral and documentary evidence have been produced by the sponsoring union in support of his argument that he had not produced any such documents before the management. Moreover the sponsoring union has also not produced the copy of Station Diary Entry No. 207, dated 15/10/1986 of Mahuda, so the contention of sponsoring union is baseless.

18. The learned lawyer of sponsoring union has raised the issue that he had not been given copy of the enquiry report and the Hon'ble Supreme Court in a case as reported in 1991 SCC (L&S) 612.

In this regard it is relevant to mention here that the concerned workman had fully participated in the enquiry proceeding and he had not raised this issue at the earliest stage of filing written statement before the Tribunal and now he had raised this issue at the concluding stage of the case, so his contention is not worth tenable.

19. The learned lawyer of sponsoring union has submitted before the Tribunal that the concerned workman has been dismissed from the service and his case may have been dealt with under section 11A of the Industrial Dispute Act as the punishment awarded to the concerned workman is disproportionate to his guilt.

However the learned lawyer of management has strongly opposed the grant of benefit to the concerned workman under section 11A of the I.D. Act and he has relied on the decision of Hon'ble Supreme Court as reported in **2018 (4) JLJR (SC) 115, AIR 2004 SC 4096 and AIR, 1996 SC 686.**

At this stage it is required to mention section 11A of the I.D. Act. The section 11A of the I.D. Act reads as follows:-

**Section 11A-** "Powers of Labour Courts, Tribunals and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen- Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

20. The Hon'ble Supreme Court has been pleased to observe in a case as reported in **1973 AIR 1227 (Workmen of Messrs Firestone Tyre... Vs Management & others)** that:-

"The Act is beneficial piece of legislation enacted in the interest of employees. It is well settled that in construing the provisions of a welfare legislation, courts should adopt, what is described as a beneficent rule of construction. If two constructions are reasonably possible to be placed on the section, it follows that the construction which furthers the policy and object of the Act and is more beneficial to the employees has to be preferred. The interpretation must be liberal enough to achieve the legislative purpose".

21. However the Hon'ble Supreme Court in a another case as reported in **2005(2) SCALE 302 (Mahindra and Mahindra Ltd. Vs. N.B. Narawade)** has been pleased to hold that:-

"It is no doubt true that after introduction of Section 11A in the Industrial Disputes Act, certain amount of discretion is vested with the Labour Court/Industrial Tribunal in interfering with the quantum of punishment awarded by the Management where the concerned workman is found guilty of misconduct. The said area of discretion has been very well defined by the various judgments of this court referred to herein above and it is certainly not unlimited as has been observed by the Division Bench of the High Court. The discretion which can be exercised under Section 11A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which requires the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. In the absence of any such

factor existing, the Labour Court cannot by way of sympathy alone exercise the power under Section 11A of the Act and reduce the punishment.”

22. The Hon’ble Supreme Court in other case as reported in **2018 (4) JLJR (SC) 115** on which reliance has been placed by the learned lawyer of management, has been pleased to hold that:-

“since dismissal order was based on the domestic enquiry, it was obligatory upon the Labour Court to first decide the question as a preliminary issue as to whether the domestic enquiry was legal and proper- if domestic enquiry was legal and proper, next question to be considered by the Labour Court was whether punishment is commensurate with the gravity of charges or is disproportionate- if it is disproportionate, Labour Court was entitled to interfere in quantum of punishment and substitute the punishment imposed by Bank.”

23. In the instant case the concerned workman has been found guilty of misconduct of fraud, dishonesty and giving false information about himself which is under serious misconduct under the Standing Order Clause, so considering the gravity of the misconduct, the Tribunal is of the view that the punishment of dismissal awarded to the concerned workman is not disproportionate.

In view of such, the Tribunal is not of the view to reduce the punishment of dismissal of the concerned workman.

Hence, the contention of learned lawyer of sponsoring union regarding disproportionate punishment is not worth tenable.

24. Now, in this case the charges levelled against the concerned workman namely Sri Ram Singh, Munshi of Bhatdee Colliery vide charge-sheet dated 23.03/01.04/1987 had been established in the departmental enquiry proceeding for misconduct of fraud and dishonesty and giving false information of about himself which is serious misconduct under the Standing Order Clause.

Moreover, on the finding of Enquiry Officer, the competent authorities have applied their mind and subsequently the concerned workman namely Sri Ram Singh was dismissed from service.

25. After considering all the facts and circumstances of this case the Tribunal comes to the conclusion that the management of Bhatdee Colliery, Mahuda Area II of M/s. BCCL is justified in dismissing the workman Sri Ram Singh service of BCCL w.e.f. 22/02/1998 and he is not entitled for any relief.

This is the Award of this Tribunal.

D. K. SINGH, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 812.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएमबी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 07/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/18/2018-आई. आर. (सी.एम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 812.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.07/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/18/2018-IR(CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.07/2018

Registered on:-04.06.2018

Sh. Mohinder Kumar S/o Sh. Jhali C/o SH. R.K. Singh Parmar,  
General Secretary, Punjab INTUC, 211L, ward No.11,  
Post Office Partap Nagar, Nangal Dam, District Ropar –(Punjab)

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 25.05.2022

Central Government vide Notification No.L-23012/18/2018-IR(CM-II) dated 21.05.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Mohinder Kumar S/o Sh. Jhali for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.07/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 813.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 55/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/78/2018-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव



New Delhi, the 8th September, 2022

**S.O. 813.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.55/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/78/2018– IR (CM-II)]

RAJENDER SINGH, Under Secy.

# ANNEXURE

## IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No. 55/2018**

**Registered on:-20.11.2018**

Sh. Durga Dass S/o Sh. Chamaroo, R/o Village Behla (Bayla)  
PO Bayla Tehsil Sunder Nagar, Distt. Mandi (HP)-175001

... Workman

### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/78/2018-IR(CM-II) dated 14/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Durga Dass S/o Sh. Chamaroo for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.55/2018.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 814.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 65/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/96/2018-आई. आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 814.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.65/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/96/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.65/2018**

**Registered on:-04.12.2018**

Smt. Chinta Devi & Others W/o Late Balak Ram,  
Villager Dhaban, Tehsil Balh, Distt. Mandi (HP)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/96/2018-IR(CM-II) dated 15/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Chinta Devi & Others W/o Late Balak Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.65/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 815.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 54/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/92/2018-आई.आर. (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 815.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.54/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/92/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.54/2018**

**Registered on:-20.11.2018**

Sh. Dilla Ram S/o Sh. Gopi Ram R/o Village Masor  
PO Via Kuthera Tehsil Ghumarwin, Distt. Bilaspur (HP) -174001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/92/2018-IR(CM-II) dated 15.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**"Whether the action of the management of BBMB in not accepting the demand of Sh. Dilla Ram S/o Sh. Gopi Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?"**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.54/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 816.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 52/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/86/2018-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 816.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.52/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/86/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.52/2018**

**Registered on:-20.11.2018**

Sh. Puran Chand S/o Sh. Thinu Ram, R/o Village Kathyahal,  
Po Gagal Tehsil Balh, Distt. Mandi (HP)-175001

...Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/86/2018-IR (CM-II) dated 14.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Puran Chand S/o Sh. Thinu Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.52/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 817.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 64/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/98/2018-आई.आर. (सीएम II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 817.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.64/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/98/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.64/2018

Registered on:-04.12.2018

Sh. Dharam Singh S/o Sh. Guljari Lal, Vill-Baudhal, P.o Jai Devi,  
Tehsil-Sundernagar Distt-Mandi (HP)-175001

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 02.06.2022

Central Government vide Notification No.L-23012/98/2018-IR(CM-II) dated 15.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMBin terminating the service of Sh. Dharam Singh S/o Sh. Guljari Lal w.e.f. 10.12.2012 in violation of sections 25-F, 25-G, & 25-H of the ID Act is just fair and legal? if not, to what relief the workman is entitled?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.64/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 8 सितम्बर, 2022

**का.आ. 818.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 52/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/67/2019-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 8th September, 2022

**S.O. 818.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.52/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/67/2019– IR (CM-II)]

RAJENDER SINGH, Under Secy.

# ANNEXURE

## IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.52/2019**

**Registered on:-06.08.2019**

Smt. Shakuntla Devi & Others W/o Sh. Gian Chand C/o SH. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajoura, Po-Bhukkar,  
Tehsil-Bhoranj Distt. Hamirpur (HP)-176045

... Workman

### Versus

1. The Chairman, Bhakra Beas Management Board, Madhya Marg,  
Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

### AWARD

**Passed On:- 02.06.2022**

Central Government vide Notification No.L-23012/67/2019-IR(CM-II) dated 25.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Shkuntla Devi & Others W/o Sh. Gian Chand for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.52/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer



नई दिल्ली, 9 सितम्बर, 2022

**का.आ. 819.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चडीगढ़ के पंचाट (संदर्भ संख्या 70/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/126/2018-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 9th September, 2022

**S.O. 819.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.70/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/126/2018– IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH****Present:** Sh. S.K. Thakur, Presiding Officer**ID No.70/2018****Registered on:-11.12.2018**

Sh. Rama Nand Chandel S/o Tulsi Ram R/o Village Chhujala,  
P.O Nanawan, Tehsil Ghumarwin, Distt. Bilaspur, Himachal Pradesh -175001 ... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board, Madhya Marg,  
Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038. ... Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/126/2018-IR(CM-II) dated 16.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Ramanand Chandel S/o Tulsi Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No. 70/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2022

**का.आ. 820.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 84/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/112/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 9th September, 2022

**S.O. 820.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.84/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/112/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.84/2018**

**Registered on:-11.12.2018**

Smt. Rattani Devi & Others, Village Chamba, P.O Dehar,  
Tehsil Sundernagar, Distt. Mandi, Himachal Pradesh-175001

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/112/2018-IR(CM-II) dated 16/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Rattani Devi & Others, Wd/o Late Bhagat Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.84/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2022

**का.आ 821**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 87/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/120/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 9th September, 2022

**S.O. 821.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.87/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L- 23012/120/2018– IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.87/2018**

**Registered on:-11.12.2018**

Sh. Peera Ram S/o Sh. Maya Ram R/o Village and  
Post Office Seva Badar (Seva), Tehsil Sadar Distt. Mandi (H.P.)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.

2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/120/2018-IR(CM-II) dated 16.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh.Peera Ram S/o Sh. Maya Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.87/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2022

**का.आ 822**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 79/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[स. एल-23012/166/2018-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 9th September, 2022

**S.O. 822.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.79/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/166/2018- IR (CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.79/2018

Registered on:-11.12.2018

Sh. Krishan Lal S/o Kalia Ram, Village Kandhar,  
Post-Khural, Tehsil-Sundarnagar, Mandi (HP)-175001

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundarnagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 25.05.2022

Central Government vide Notification No.L-23012/166/2018-IR(CM-II) dated 22/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Krishan Lal S/o Sh. Kalia Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No. 79/2018.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 9 सितम्बर, 2022

**का.आ. 823—** औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 75/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/136/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 9th September, 2022

**S.O. 823.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.75/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/136/2018– IR (CM-II)]  
RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.75/2018**

**Registered on:-11.12.2018**

Sh. Gian Chand & Others S/o Late Shiv Ram, Village Sidher,  
PO Talyana, Tehsil Ghumarwin, Distt. Mandi, Himachal Pradesh-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/136/2018-IR(CM-II) dated 19/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Gian Chand & Others S/o Late Shiv Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.75/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का.आ. 824**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधतंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 76/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/102/2018-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 824.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.76/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/102/2018 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.76/2018**

**Registered on:-11.12.2018**

Sh. Om Parkash S/o Sh. Prithi Chand, R/o Village and Post Office Maloh,  
Tehsil Sundernagar, Distt. Solan, Himachal Pradesh- 173212

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board, Madhya Marg,  
Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/102/2018-IR(CM-II) dated 16.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Om Parkash S/o Sh. Prithi Chand for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.



3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.76/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का.आ. 825.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 56/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/88/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 825.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.56/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/88/2018 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.56/2018**

**Registered on:-20.11.2018**

Sh. Dile Ram S/o Sh. Punu Ram, R/o Village Gawar  
Po Sainj Tehsil Gohar Distt-Mandi (HP)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/88/2018-IR(CM-II) dated 14.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Dile Ram S/o Sh. Punu Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.56/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का.आ. 826.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 93/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/124/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 826.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.93/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/124/2018 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.93/2018**

**Registered on:-11.12.2018**

Sh. Dole Ram S/o Sh. Ganda Ram R/o Village-Bakheli,  
PO-Pandoh, Tehsil-Chachyot at Gohar, Distt. Mandi, Himahal Pradesh-175029

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD**  
**Passed On:-25.05.2022**

Central Government vide Notification No.L-23012/124/2018-IR(CM-II) dated 19/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Dole Ram S/o Sh. Ganda Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.93/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का.आ. 827.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 86/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/116/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 827.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.86/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/116/2018 – IR (CM-II)]

RAJENDER SINGH Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.86/2018

Registered on:-11.12.2018

Smt. Chaitri Devi & Others, Village Jaral, P.O. Jugahan,  
Tehsil Sundernagar, Distt. Mandi, Himachal Pradesh-175001

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 31.05.2022

Central Government vide Notification No.L-23012/116/2018-IR(CM-II) dated 16.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh Smt. Chaitri Devi & Others W/o Late Ghalla Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.86/2018.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का आ 828.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधात्मक के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 90/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/72/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 828.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 90/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/72/2018 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.90/2018**

**Registered on:-11.12.2018**

Sh. Chaudhari Ram, S/o Sh. Panjka Ram Village Rihangali,  
Po Masour, Tehsil Ghumarwin, Distt. Bilaspur (H.P)-174001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/72/2018-IR(CM-II) dated 28/11/2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Chaudhari Ram, S/o Sh. Panjka Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.90/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का.आ. 829**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 78/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/130/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 829.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.78/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/130/2018 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH****Present:** Sh. S.K. Thakur, Presiding Officer**ID No.78/2018****Registered on:-11.12.2018**Sh. Devi Roop S/o Muni Ram R/o Village-Jagar (Maharan),  
PO-Pandoh, tehsil Sadar Mandi, Distt. Bilaspur Himachal Pradesh -175021

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board, BSL Project, Sundernagar-175038.

Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/130/2018-IR(CM-II) dated 19.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Devi Roop S/o Sh. Muni Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for

appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No. 78/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 12 सितम्बर, 2022

**का आ 830**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 91/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/162/2018-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 12th September, 2022

**S.O. 830.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.91/2018) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/162/2018-IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present: Sh. S.K. Thakur, Presiding Officer**

**ID No. 91/2018**

**Registered on:-11.12.2018**

Smt. Khimi Devi & Others Wd/o Late Sairoo, Village Balt,  
Po Balt, tehsil Balh, Distt. Mandi(HP)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/162/2018-IR(CM-II) dated 27.11.2018, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. KhimiDevi & Others Wd/o Late Sairoo for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*"The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957".*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No. 91/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.अ. 831.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर, 2 चंडीगढ़ के पंचाट (संदर्भ संख्या 61/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/71/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 831.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.61/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/71/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.61/2019**

**Registered on:-06.08.2019**

Smt. Nirantla & Others W/o Sh. Shree Ram C/o Sh. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajpura  
Po-Bhukkar Tehsil-Bhiranj Distt-Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

..Respondents/Managements



**AWARD****Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/71/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Nirantla & Others W/o Sh. Shree Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.61/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 832**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 30/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/18/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 832.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 30/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/18/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH**Present:** Sh. S.K. Thakur, Presiding Officer

ID No.30/2019

Registered on:-27.05.2019

Sh. Sadhu S/o Shri Moti, Village Maglah,  
Po Meramasit Tehsil Sundernagar, Distt-Mandi (HP)-175001

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/18/2018-IR(CM-II) dated 14.05.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Sandhu S/o Shri Moti for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.30/2019.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S.K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 833.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधात्मक के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 58/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/66/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 833.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.58/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/66/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.58/2019**

**Registered on:-06.08.2019**

Smt. Jamna Devi & Others W/o Sh. Mast Ram C/o Sh. Munish Kumar

S/o Sh. Dharam Dass R/o Vill-Bajoura,

Po-Bhukkar Tehsil-Bhoranj Distt-Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.

2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/66/2019-IR(CM-II) dated 25.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Jamna Devi & Others W/o Sh. Mast Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.58/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 834.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 65/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/70/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 834.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 65/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[F. No. L-23012/70/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH****Present:** Sh. S. K. Thakur, Presiding Officer**ID No.65/2019****Registered on:-06.08.2019**

Smt. Shakuntla Devi & Others W/o Sh. Bard Ram C/o Sh. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bhoranj Dist-Hamirpur (HP)-176045

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/70/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Shakuntla Devi & Others W/o Sh. Bard Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.65/2018.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ 835**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बीबीएम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 66/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं .एल-23012/83/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 835.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.66/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[F. No. L-23012/83/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No. 66/2019**

**Registered on:-07.08.2019**

Smt. Kunta Devi & Others W/o Late Sh. Sukh Ram  
C/o Sh. Munish Kumar S/o Sh. Dharam Das, R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bhouranj Distt-Hamirpurt (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/83/2019-IR(CM-II) dated 29.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Kunta Devi & Others W/o Sukh Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.66/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का आ 836**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 68/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/84/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवरसचिव

New Delhi, the 13th September, 2022

**S.O. 836.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.68/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/84/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No. 68/2019**

**Registered on:-07.08.2019**

Smt. Katki Devi & Others W/o Late Sh. Dahlu alias Dahlu ram  
C/o Sh. Munsih Kumar S/o Sh. Dharam Dass R/o Vill-Bajoura  
Po-Bhukkar Tehsil-Bhoranj Distt-Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/84/2019-IR(CM-II) dated 29.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Katki Devi & Others W/o Late Sh. Dahlu alias Dahlu Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.68/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S.K. THAKUR Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का आ 837**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 70/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/87/2019-आई.आर. (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 837.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.70/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/87/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.70/2019

Registered on:-07.08.2019

Smt. Hima Devi & Others W/o Late Sh. Sidhu Ram C/o  
Sh. Munish Kumar S/o Sh. Dharam Das R/o Vill-Bajoura,  
Po-Bhukkar tehsil-Bhoranj Distt-Hamirpur (HP)-176045

... Workman

Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 31.05.2020

Central Government vide Notification No.L-23012/87/2018-IR(CM-II) dated 29.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Hima Devi & Others W/o Late Sh. Sidhu Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.70/2019.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S.K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 838.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वी बी एम वी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 31/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/14/2019.आई.आर (सीएम -II)]

राजेन्द्र सिंह, अवर सचिव



New Delhi, the 13th September, 2022

**S.O. 838.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.31/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/14/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present:** SH. S.K. THAKUR, PRESIDING OFFICER.

**ID No. 31/2019**

Registered on:-27.05.2019

Sh. Amar Singh S/o Sh. Durga Nath, Vill. Daler Po. Gopalpur,  
Tehsil Sarkaghat Dist. Mandi (HP)-175024

...Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

...Respondents/Managements

### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/14/2019-IR(CM-II) dated 14.05.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Amar Singh S/o Sh. Durga Nath for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.31/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S.K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 839.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी वी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 32/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/16/2019.आई.आर (सीएम -II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 839.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/16/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present:** SH. S.K. THAKUR, Presiding Officer

**ID No.32/2019**

**Registered on:-27.05.2019**

Sh. Pipu S/o Sh. Gandhi, Village Nehar PO Harnoda,  
Tehsil Bilaspur, Sadar, Distt. Bilaspur (HP)-174001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

.. Respondents/Managements

#### AWARD

**Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/16/2018-IR(CM-II) dated 14/05/2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Pipu S/o Sh. Gandhi for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.32/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 13 सितम्बर, 2022

**का.आ. 840.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी वी एम बी के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 62/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/75/2019-आई.आर(सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 13th September, 2022

**S.O. 840.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.62/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/75/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.62/2019**

**Registered on:-06.08.2019**

Smt. Maina Devi & Others W/o Sh. Dila Ram C/o Sh. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bhuranj Distt. Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/75/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Maina Devi & Others W/o Sh. Dila Ram for deeming/considering him in continuous service upto age of**

**superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.62/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 841.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधतंत्र, संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जयपुर के पंचाट (संदर्भ सं. 13/2020) प्रकाशित करती है।

[सं. एल-12011/58/2019-आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 841.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*, Kanpur shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-12011/58/2019 -IR(B-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

**BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL—CUM- LABOUR COURT KANPUR**

**PRESENT :** SOMA SHEKHAR JENA, HJS (Retd.)

**I.D. No. 13 of 2020**

**L-12011/58/2019-IR(B-II) dated 04.02.2020**

#### **BETWEEN:**

The General Secretary,  
Union Bank Employees Union, UP,  
628/M-33, Murari Nagar, Faizabad Road,  
Lucknow

**AND**

1. The General Manager (HR),  
Union Bank of India,  
Central Office, 239, Vidhan Bhawan Marg,  
Nariman Point, MUMBAI-400021
2. The Regional Manager,  
Union Bank of India, Regional Office,  
Mahuwa Bag, Ghazipur-
3. The Field General Manager,  
Union Bank of India, Jail Road,  
Ssikraul, Varanasi (U.P)

**AWARD**

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India in letter no. L-12011/58/2019-IR(B-II) dated 04.02.2020

**SCHEDULE**

*"Whether the action of the management of Union Bank of India in transferring Shri Virendra Ojha & Shri Bhagwan Ram, Sub Staff from one Branch to other Branch within Ghazipur Region in the name of job rotation by the Regional Manager, Union Bank of India, Ghazipur of is legal and justified? If not, to what relief the transferred workmen are entitled to and to what extent?"*

On receipt of notification, notices were issued to both the parties on 6th June 2020. In response to the notice the Authorized Representative of the claimant workman filed the claim statement on 21.06.2020. On 27.08.2021 Authorized Representative of the management filed written statement. On 10.03.2022 Authorized Representative of the management filed documents and from thereon case was fixed for evidence of the parties repeatedly. Later on a memo for not pressing the case was filed by claimant workman and the union which was accepted by the Authorized Representative of the management side on 02.06.2022 with no objection.

Pleadings in the claim application would not be read as evidence. From the aforesaid circumstances it is crystal clear that the workman and the union are not interested in prosecuting the case further before the Tribunal.

Hence in the given circumstances the reference stands disposed of as of 'NIL' award.

Parties are left to bear their respective costs.

Date: 27.06.2022

Let a soft copy be sent to the Ministry and two hard copies of the same will follow in due course of time.

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 842.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक आफ इंडिया के प्रबंधतंत्र, संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, जयपुर के पंचाट (संदर्भ सं. 19/2020) को प्रकाशित करती है।

[सं. एल-12011/10/2020-आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 842.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2020) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kanpur shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-12011/10/2020 -IR(B-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

BEFORE SHRI SOMA SHEKHAR JENA, PRESIDING OFFICER CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT KANPUR

PRESENT : SOMA SHEKHAR JENA, HJS (Retd.)

I.D. No. 19 of 2020

L-12011/10/2020-IR(B-II) dated 11.03.2020

## BETWEEN :

The General Secretary,  
Union Bank Employees Association, U.P.  
24/53, Birhana Road,  
Kanpur (U.P.)- 208001

AND

1. The Deputy General Manager,  
Union Bank of India,  
Regional Office, Pandunagar,  
Pandu Nagar,  
Kanpur (U.P.)
2. The General Manager (P),  
Union Bank of India,  
Central Office, Nariman Point,  
Mumbai – 400021

## AWARD

This award arises in respect of the reference mentioned in the schedule stated below as received from the Government of India in letter no. L-12011/10/2020-IR(B-II) dated 11.03.2020.

## SCHEDULE

1. *“Whether the claim of the Union for payment of officiating special allowance to Smt. Manju Awasthi, Single Window Operator posted at Birhana Road, Kanpur w.e.f. June, 2017 is legal and justified? If not, what relief the concerned workman is entitled to and from what date?”*

On receipt of notification, notices were issued to both the parties on 06<sup>th</sup> June, 2020 fixing 03.07.2020 for filing of claim statement but none appeared on behalf of workman side on the fixed date. After that several dates were fixed for filing the claim statement but none appeared on behalf of the claimant before the Tribunal. Till now no claim statement has been filed. On behalf of O.P. side one Rajiv Singh appears and submits documents stating that this is a matter related to payment of officiating allowance to claimant Manju Awasthi. It is stated that the claim amount Rs. 19841.34 has been deposited by O.P. management in the account of the claimant.

From the background circumstances stated above it is presumable that the claimant side is not having intention to pursue the claim.

Hence in the given circumstances the reference stands disposed of without any relief in favour of the claimant.

Parties are left to bear their respective costs.

Date: 24.08.2022.

Let a soft copy be sent to the Ministry and two hard copies of the same will follow in due course of time.

SOMA SHEKHAR JENA, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 843.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधांत्र के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह-श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 60/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/74/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 843.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 60/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/74/2019 – IR (CM-II)]

RAJENDER SINGH Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.60/2019**

**Registered on:-06.08.2019**

Smt. Judhya Devi & Others W/o Sh. Kamaljeet C/o Sh. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bhiranj Distt. Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/74/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Judhya Devi & Others W/o Sh. Kamaljeet for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.60/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 844.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 59/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/43/2019-आई.आर (सीएम -II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 844.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07. 09.2022.

[No. L--23012/43/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S. K. Thakur, Presiding Officer

**ID No.59/2019**

**Registered on:-06.08.2019**

Smt. Kamla & Others Wd/O Late Lalman,  
Village Changar Po BBMB Colony, Sundernagar,  
Tehsil Sundernagar Distt. Mandi (HP)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/43/2019-IR(CM-II) dated 24.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Kamla & Others Wd/o Late Sh. Lalman for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.



3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.59/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 845.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 53/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं.एल-23012/78/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 845.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.53/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/78/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.53/2019**

**Registered on:-06.08.2019**

Smt. Kaila Devi & Others, W/o Late Sh. Pohlo alias Pohlo Ram  
C/o Sh. Munish Kumar S/o Sh. Dharam Dass R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bhoranj Distt-Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board, Madhya Marg,  
Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 02.06.2022**

Central Government vide Notification No.L-23012/78/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand Smt. Kaila Devi & Others, W/o Late Pohlo alias Pohlo Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.53/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 846.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधात्मक के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 2 चंडीगढ़ के पंचाट (संदर्भ संख्या 39/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/8/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 846.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.39/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/8/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.39/2019**

**Registered on:-18.06.2019**

Sh. Lachman, S/o Sh. Hemant Ram,  
VPO-Lalodh Tehsil-Sunder Nagar, Distt. Mandi (HP)-175001

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 25.05.2022**

Central Government vide Notification No.L-23012/8/2019-IR(CM-II) dated 22.05.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Lachman S/o Hemant Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.39/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication. -

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 847.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 55/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/80/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 847.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.55/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/80/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer

ID No.55/2019

Registered on:-06.08.2019

Smt. Sarda Devi & Others, Wd/o Sh. Late Sh. Roop Lal C/o  
Sh. Munish Kumar S/o Sh. Dharam Das R/o Vill-Bajoura,  
P.o Bhukkar, Tehsil-Bhoranj Distt. Hamirpur (H.P)-176045

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 25.05.2022

Central Government vide Notification No.L-23012/80/2018-IR(CM-II) dated 24.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Sarda Devi & Others, Wd/o Sh. Late Sh. Roop Lal for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.
3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.55/2019.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 848.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 64/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/77/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 848.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.64/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L- 23012/77/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH****Present:** Sh. S.K. Thakur, Presiding Officer**ID No.64/2019****Registered on:-06.08.2019**

Smt. Roshni Devi & Others W/o Late Sh. Rattan Lal  
C/o Sh. Munish Kumar S/o Sh. Dharam Das R/o Village Bajoura  
Po-Bhukkar Tehsil-Bhoranj Distt-Hamirpur(HP)-176045

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/77/2018-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Roshni Devi & Others W/o Late Sh. Rattan Lal for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.64/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर 2022

**का.आ. 849.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 51/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/79/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 849.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/79/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH****Present:** Sh. S.K. Thakur, Presiding Officer**ID No.51/2019****Registered on:-06.08.2019**

Smt. Kala Devi & Others W/o Late Sh. Nand Lal C/o Sh. Munish Kumar  
S/o Sh. Dharam Dass R/o Vill-Bajoura,  
Po-Bhukkar Tehsil-Bjoranj Distt. Hamirpur (HP)-176045

... Workman

**Versus**

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

**AWARD****Passed On:- 02.06.2022**

Central Government vide Notification No.L-23012/79/2019-IR(CM-II) dated 26.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Kala Devi & Others W/o Late Sh. nand Lal for deeming/considering him in continuous service upto age of superannuation and resultant entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for

appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the instant reference ID No.51/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 850.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 67/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/82/2019-आई.आर (सीएम-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 850.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.67/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/82/2019 – IR (CM-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

**Present:** Sh. S.K. Thakur, Presiding Officer

**ID No.67/2019**

**Registered on:-07.08.2019**

Smt. Rattani aDevi & Others W/o Late Sh. Gareeb Das C/o  
Sh. Munish Kumar S/o Sh. Dharam Dass R/o Village-Bajoura,  
Po-Bhukkar, Tehsil-Bhoranj, Distt-Hamirpur (HP)-176045

... Workman

#### Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

#### AWARD

**Passed On:- 31.05.2022**

Central Government vide Notification No.L-23012/82/2019-IR(CM-II) dated 29.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Smt. Rattani Devi & Others W/o Late Sh. Gareeb Das for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

*“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.*

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.67/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 14 सितम्बर, 2022

**का.आ. 851.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी बी एम बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. चंडीगढ़ के पंचाट (संदर्भ संख्या 69/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.09.2022 को प्राप्त हुआ था।

[सं. एल-23012/85/2019-आई.आर सीएम-II]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 14th September, 2022

**S.O. 851.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.69/2019) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 07.09.2022.

[No. L-23012/85/2019 – IR (CM-II)]

RAJENDER SINGH Under Secy.



## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH

Present: Sh. S.K. Thakur, Presiding Officer.

ID No.69/2019

Registered on:-07.08.2019

Smt. Chandi Devi &amp; Others w/o Late Sh. Dagi Ram alias Dagi C/o

Sh. Munish Kumar S/o Sh. Dharam Dass R/o Vill-Bajoura,

Po-Bhukkar Tehsil-Bhoranj Distt-Hamirpur (HP)-176045

... Workman

## Versus

1. The Chairman, Bhakra Beas Management Board,  
Madhya Marg, Sector 19-B, Chandigarh-160019.2. The Chief Engineer, Bhakra Beas Management Board,  
BSL Project, Sundernagar-175038.

... Respondents/Managements

## AWARD

Passed On:- 31.05.2022

Central Government vide Notification No.L-23012/85/2019-IR(CM-II) dated 29.07.2019, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal.

**“Whether the action of the management of BBMB in not accepting the demand of Sh. Smt. Chandi Devi & Others W/o Late Sh. Dagi Ram for deeming/considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. The Ministry of Labour & Employment, Government of India while referring the above Industrial Dispute for adjudication also directed the following:-

***“The parties raising the dispute shall file a statement of claim complete within relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such a statement to each of the opposite parties involved in this dispute under rule 10(B) of the Industrial dispute (Central), Rules, 1957”.***

2. However, no claim statement was filed by the workman within the stipulated period. Despite the directions of the Central Government not complied by the workman opportunity was provided to the workman and, therefore, on receipt of the above reference notice was sent to the workman as well as to the respondents/managements for appearances for adjudication. The postal article sent to the workman, referred above, is deemed to have been served on the parties under dispute as the post sent has not been received back as undelivered.

3. Workman has been given sufficient opportunities to file claim statement but none turned up in spite of several opportunities afforded to file claim statement. This shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance nor he has filed statement of claim to prove his cause against the respondents/managements. As such this Tribunal is left with no alternative except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the instant reference ID No.69/2019.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

S. K. THAKUR, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2022

**का.आ. 852.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र, संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 2 दिल्ली के पंचाट (संदर्भ सं. 20/2013) को प्रकाशित करती है।

[सं. एल-12012/56/2012-आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 15th September, 2022

**S.O. 852.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No.-II, Delhi shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen.

[No. L-12012/56/2012 -IR(B-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURER**  
**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,**  
**NEW DELHI**

**Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour  
Court-II, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 20/2013**

**Date of Passing Award- 16.08.2022**

**Between:**

Shri Gopal Singh Rawat,  
Through Legal Heirs,  
R/o 17, Old Mohanpuri,  
Behind Office Sub Registrar,  
Meerut (U.P).

... Workman

**Versus**

1. Managing Director,  
Union Bank of India, Union Bank Bhawan,  
293, Vidhan Sabha Marg, Mumbai.
2. Deputy Manager (P)  
Union Bank of India  
Regional Office,  
Varanasi, UP
3. General Manager(P)  
Union Bank of India,  
Industrial Relation Department,  
Central Office, Mumbai,  
Mumbai.
4. Branch Manager,  
Union Bank of India,  
Delhi Road, Meerut,  
Meerut, UP

...Managements

**Appearances:-**

Shri Anish Kumar Mishra (A/R) : For the Claimant

Shri Rajat Arora (A/R) : For the Management

### AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Union Bank of India, Union Bank of Bhawan, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-12012/56/2012 (IR(B-II)) dated 28/02/2013 to this tribunal for adjudication to the following effect.

“Whether the action of the management of Union Bank of India in terminating the services of Shri Gopal Singh Rawat by way of punishment vide order dated 12/07/1999 and order of appellate authority dated 12.01.2001 is justified, if not, to what relief he is entitled to?”

This order deals with the grievance of the claimant (since dead and substituted by legal heirs) with regard to the punishment imposed on him in the domestic inquiry which he describes as unreasonably disproportionate to the charge leveled against him.

In order to deal with the dispute and the grievance of the claimant it is necessary to set out the relevant facts as per the claim statement in detail. The claimant at the relevant time was working as the cashier/clerk in the management Bank. On 12<sup>th</sup> April 1996 he was discharging the function of the receiving cashier in the Delhi Road Merrut Branch of the Bank. On that day two bearer cheques bearing no 603253 dated 14<sup>th</sup> March 1996 and cheque no 603257 dated 20<sup>th</sup> March 1996 for Rs 19,960 and Rs.23,582 respectively were issued by M/S Narender Tyers in favour of M/S Apollo Tyres Ltd. Both the establishments were maintaining account in the Branch of the Bank at Merrut, where the claimant was working. Both the cheques were deposited in the CD account of Apollo Tyres. On a complaint received from Apollo Tyres that the amount in respect of both the cheques have not been credited to their account a preliminary inquiry at the branch level was conducted and it was ascertained that on 12<sup>th</sup> April 1996, the claimant working as the receiving cashier on being asked by the cashier /clerk Rajendra Kumar working in the same branch issued two tokens in respect of those two cheques ignoring the instruction of the customer for crediting the amount in to the account. Using those two tokens an amount of Rs. 43,542/- was fraudulently encashed. It was detected that the claimant working as the cashier on that day had entered the cheques in the scroll for deposit of the amount in the account of the payee and simultaneously issued tokens for encashment of the amount. When the fraudulent action of the claimant was detected, he, on 5<sup>th</sup> July, by using pay in slip filled in his own hand writing, made deposit of Rs 38,542/- in the account of Apollo Tyres and on 19<sup>th</sup> July 1995 made deposit of the balance 5000/- in the current account of Apollo Tyres. Pursuant to the preliminary fact finding inquiry, charge of misconduct was framed and after calling for the reply from the claimant, domestic inquiry was conducted in which the charged employee was given opportunity to defend himself. The charged employee participated in the inquiry, which ended with a finding that the claimant being a permanent employee of the Bank committed grave misconduct affecting the reputation of the Bank and impacting its customer relationship and faith. Thus the disciplinary authority accepted the punishment proposed by the inquiry officer and after serving the show cause notice, passed the order dismissing the claimant from service by order dated 12/07/2009. Being aggrieved the claimant had preferred a departmental appeal which was also rejected the same confirming the order of the disciplinary authority.

Challenging the said order of dismissal, when an industrial dispute was raised and attempt for conciliation failed, the appropriate Govt. referred the matter for adjudication. Issues were framed basing on the pleadings of the parties and the issue relating to the fairness of the inquiry was taken up for decision as a preliminary issue. This tribunal after recording evidence and hearing argument advanced by both the parties, by order dated 11/11/2019, came to hold that no illegality was committed in conduct of the inquiry and the plea taken by the claimant that the Deputy Manager is not competent to conduct the inquiry was not accepted. Thereafter both the parties were called upon to advance argument on the proportionality of the punishment imposed on the claimant.

Detail argument was advanced by the AR for both the parties.

Whereas the learned AR for the Management supported the order imposing punishment as proper, the claimant has described the same as extremely harsh. During course of argument it was pointed out by the AR for the claimant that for the long drawn litigation the claimant was deprived of contesting the matter properly and died during the pendency of the proceeding. His legal heirs are suffering for the illegal dismissal of the claimant. A lenient view may be taken in the matter. The counter argument by the learned A/R for the Bank is that it is a case of loss of confidence. The business of the Bank thrives on the faith and confidence of the customers. The action of the claimant had visibly impacted the business of the Bank and as such he does not deserve any sympathy.

This tribunal in view of the arguments advanced has to give a finding on the proportionality of the punishment imposed on the claimant. In the case of **Muriadih Colliery VS. Bihar Coalliery Kamgar Union (2005) 3 SCC331**, the Hon'ble SC have held:-

“it is well-established principle in law that in a given circumstance, it is open for the Industrial Tribunal acting u/s 11-A of the I D Act 1947 to interfere with the punishment awarded in the domestic inquiry for good and valid reasons. If the tribunal decides to interfere with such punishment awarded in domestic

inquiry, it should bear in mind the principle of proportionality between the gravity of the offence and stringency of the punishment.”

Whether a misconduct is severe or otherwise depends on the facts of each particular case. In a case where the charge is about misappropriation of a customer's money or breach of Trust, no doubt the same is serious in nature and distinguishable from the charge of demeanor or in subordination as in this case. More over the finding in the relevant inquiry is based upon the oral and documentary evidence. It is a matter of record that the claimant, on detection of the wrong done by him, had made deposit of the misappropriated amount in to the account of the complainant Apollo Tyres on two different date. The explanation offered by the claimant was found not acceptable by the disciplinary authority and the departmental appellate authority.

In the case of **Regional Manager U.P.S RTC, Etawah & others VS Hotilal and another, 2003(3) SCC 605, referred in the later case of U.P.S R.T.C VS Nanhelal Kushwaha (2009) 8 SCC, 772**, the Hon'ble Apex Court have held that “The court or Tribunal while dealing with the quantum of punishment has to record reason as to why it is felt that the punishment inflicted was not commensurate with the proved charge. A mere statement that the punishment is not proportionate would not suffice. It is not only the amount involved ,but the mental set up, the type of the duty performed and similar relevant circumstances, which go into the decision making process are to be considered while deciding the proportionality of the punishment awarded. If the charged employee holds a position of trust where Honesty and Integrity are in built requirements of functioning, it would not be proper to deal with the matter leniently.”

As stated in the preceding paragraph the allegation against the claimant was of misconduct leading to loss of faith and Trust of the customer which in turn, led to loss of confidence of the employer on the employee.

The learned AR for the management while placing reliance in the case of **M/S Firestone Tyre and Rubber Co of India vs. the Management and Others** argued that the discretion vested in the Tribunal u/s 11-A should be judiciously exercised. The crux of his argument is that the punishment imposed on the claimant is appropriate to the charge and the Tribunal should not interfere.

The learned AR for the claimant on the otherhand argued on the legislative intention behind incorporation of sec 11A of the Act by placing reliance in the case of **ML Singla vs. Punjab National Bank, AIR 2018 SC 4668**, submitted that in the said judgment the Hon'ble SC have held that even if the issue relating to the fairness of the inquiry is decided in favour of the employer, even then the Tribunal has to consider if the punishment commensurate the charge.

It is felt proper to observe that in the case of Firestone referred supra, the Hon'ble SC have held that after incorporation of the provision of sec 11A in the ID Act, the Tribunal in order to record a finding on the fairness of the domestic inquiry or the proportionality of the punishment, can not be confined to the materials which were available at the domestic inquiry. On the otherhand 'material on record' in the proviso to sec 11A of the ID Act must be held to refer the materials before the Tribunal. Which are(1) the evidence taken in by the parties during the domestic inquiry (2) the evidence taken before the Tribunal. But in this case no evidence has been adduced by the claimant before this Tribunal to presume that the punishment imposed is disproportionate to the charge. Thus on considering the evidence recorded during the domestic inquiry and adduced before this Tribunal, the one only conclusion is that the punishment imposed on the claimant for misappropriation of customer's money amounting to mis conduct is proportionate to the charge. Merely because the claimant made refund of the amount mis appropriated, will not put him in a position for sympathy. Hence it is not felt proper to interfere and modify the punishment in exercise of the power conferred u/s 11A of the ID Act. Hence, ordered.

### **ORDER**

The reference be and the same is answered against the claimant. The finding of the disciplinary Authority in imposing the punishment is held proportionate to the finding of grave misconduct. The claimant is held not entitled to any relief. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

16<sup>th</sup> August, 2022

PRANITA MOHANTY Presiding Officer

नई दिल्ली, 15 सितम्बर, 2022

**का.आ. 853.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिडिकेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय नं. 2 दिल्ली के पंचाट (संदर्भ सं. 37/2014) को प्रकाशित करती है।

[सं. एल-12011/12/2014.आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 15th September, 2022

**S.O. 853.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2014) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No.-II, Delhi shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen.

[No. L-12011/12/2014 -IR(B-II)]

RAJENDER SINGH, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 37/2014****Date of Passing Award- 29.07.2022****Between:**

The President,  
Syndicate Bank Staff Association,  
Ram Naresh Bhawan, B.M.S Central Office,  
Tilak Gali, Chuna Mandir, Paharganj,  
New Delhi-110055.

... Workman

**Versus**

The General Manager,  
Syndicate Bank, R.O Sarojni House,  
New Delhi-

...Management

**Appearances:-**

Shri Sunil Prakash (A/R) : For the claimant  
Shri Rajesh Mahindru (A/R) : For the Management

**AWARD**

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Syndicate Bank, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-12011/12/2014 (IR(B-II)) dated 02/04/2014 to this tribunal for adjudication to the following effect.

“Whether the refusal of promotion to Shri Samuel, the workman by the management of Syndicate Bank even though he is carrying the basic eligibility criteria is just, fair and legal? What relief the workman concerned is entitled to?”

As per the claim statement the claimant Shri Samuel represented by the Syndicate Bank Staff Association a registered trade Union of the employees of Syndicate Bank, had started working as an Attender in the subordinate cadre of the Bank since, 01.12.1986, after completing 5 years of service and for having the requisite educational qualification as well as for the seniority in the existing cadre he was entitled to be promoted to the non subordinate cadre (clerk) as per the policy of the Bank. But the management Bank without any reason denied the promotion. Being aggrieved the workman approach the claimant union who raised an industrial dispute before the ALC( C). Before the said commissioner a conciliation proceeding was taken up but could not yield the desired result. The appropriate government then referred the matter to this tribunal for adjudication as per the terms of the reference. In the claim

statement the claimant has further elaborated that since the year 1993 he was appearing as a candidate for promotion in respect of the vacancies duly notified by the management. But for reasons best known to the management he was denied the promotion. The Syndicate Bank is a member of Indian Bank Association and the provisions of various awards and bipartite settlements arrived to ensure harmony between the management and the employee very well applies to the management bank. But the management in complete violation of the terms of bipartite settlement refused the promotion to the claimant who belongs to the minority community. Thus, the claimant has stated that for the discrimination and unfair practice adopted by the management he has been victimized. Though, he was appearing in the promotion process on different years since 1993 the bank management on each occasion found him unsuitable without any valid reason. It has also been stated that as per the bipartite settlement a subordinate staff of the bank having qualification of secondary certificate examination and 5 years of experience is eligible for the promotion to the non subordinate cadre. The claimant passed the secondary school examination in the year 1989 and also passed higher secondary examination in the year 1994. But to his misfortune he was not given promotion by the Bank who had some ulterior intention behind the said action. Thus, in this claim statement the claimant has prayed for a direction to the management to give him promotion to non subordinate cadre w.e.f 1993 and pay him the salary and all other service benefits w.e.f 1993 and the promotion process taken in the year 1993 and thereafter during which the claimant was not promoted be treated as void.

Notice of the claim being served the management appeared and filed written statement. In the written statement the maintainability of the proceeding was challenged on the ground that the union which has raise the issue is not the authorized union and the claimant Shri Samuel is not a member of the same. Further the refusal of the promotion is not an industrial dispute as define in the Id Act since the same is not a condition of service but an incidence of the service. The issue doesn't involve employment, non employment or violation of the condition of the employment of the claimant. With regard to the allegations made by the claimant it has been stated in the WS that the erstwhile Syndicate Bank now merged with Canara Bank is a member of Indian Bank Association and bound by the different awards and bipartite settlement. As per the said award and settlement the Bank periodically discusses with the recognized majority workman union to arrive at an understanding on the issue of mutual interest which includes promotion from subordinate cadre to non subordinate cadre. Thus, the process of selection and mode of promotion changes from time to time. The Bank has signed a settlement with the majority union for filling up the posts in clerical cadre by way of promotion and according to the settlement process the exercise of promotion shall be completed during the relevant year. The Bank carries out the process of promotion in a very transparent manner. The aspirants for such promotion go through various stages of selection including written test viva viz and branch review. After consideration of the individual employee a merit list is prepared and promotion is given. The claimant had appeared in the selection process for promotion in the year 1995, 1997, 2003, 2006 and 2011. But on all the occasions he could not qualify the test. It is in the year 2014 he qualified the test and got promotion. While denying the allegation of discrimination and unfair practice the management has challenged the claim as not maintainable. All other allegations leveled by the claimant has been denied.

The claimant filed rejoinder retreating the stand taken in the claim petition.

On the rival pleadings the following issues were framed for adjudication.

### **ISSUES**

1. Whether the refusal of promotion to Shri Samuel the workman by the management is just fair and legal. If so its effect.
2. Whether the workman is entitled for promotion with back wages and allowances w.e.f 1993.
3. To what relief the workman is entitled to and from which date.

The claimant testified as WW2 and produced several documents which have been marked in a series of exhibit WW2/1 to WW2/11. The president of the Union has testified as WW1 and proved the documents of espousal. Both the witnesses were cross examined at length by the management. The Manager (HR) of Syndicate Bank Regional Office Delhi has been examined as MW1 who filed photocopies of the Bank circular relating to promotion from sub staff to clerical cadre decided as a policy of the Bank in different years.

The Ld. A/R for the claimant open the argument saying that the bank has taken all false pleas and intentionally he was kept out of the list of selected candidate. Time and again he was appearing but for some vague reasons he was not selected. Not only that the documents relating to the procedure of selection and the list of selected candidate alongwith the merit list and the marks scored though asked was never supplied. On the other hand the Ld. A/R for the management Bank argued that the claimant had made application under RTI and all permissible documents were supplied to him. While admitting that the claimant had appeared on various years he explained that promotion cannot be claimed as a matter of right and dependent on the performance of the candidate.

The admitted facts are that the claimant had joined the Bank as a subordinate staff on 01.12.1986 and got promotion as a clerk on 24.08.2014. The claimant has stated that for promotion from subordinate cadre to non subordinate cadre the candidate as a pre condition should have completed 5year service with the Bank and should

have passed secondary school certificate examination. The claimant cleared his secondary school certification examination in 1993 and senior secondary examination in 1995. By filing photocopies of the certificate issued by the appropriate board he has claimed his eligibility. In the sworn testimony he has stated that since 1993 he has been applying and appearing every year in the selection test for promotion but for the arbitrariness, discrimination and illegality in gross violation of the terms of the bipartite settlement the promotion was denied to him. He then approached the union and raised a dispute before the Labour Commissioner where the conciliation process though taken up failed. He has alleged against some individual officers of the Bank for denial of promotion. His statement has been corroborated by WWI the President of the Union. During cross examination the witness admitted that the promotion from the post of Attender to clerk is not a routine process and the candidate has to appear in the written test as well as in the interview. He has further admitted that in all his attempts before 2014 he failed. For qualifying in the test 2014 he got his promotion. This statement of the claimant has also found support from the evidence of the management witness MWI. She is the HR Manager who looks over the affairs relating to promotion. Her evidence reveals that the procedure for promotion is not automatic but based upon certain criteria. These criteria are changed every year after discussion with the majority union and the terms are decided as acceptable to both the parties. The witness has further stated that the claimant in the year qualified in the written test viva and his branch report was satisfactory.

The Ld. A/R for the claimant submitted that intentionally the claimant was left out of the selection process and the documents which could have been proved in support of his eligibility were never made available. He argued that the information sought under RTI were also not supplied.

Perusal of the record shows that the claimant during the proceeding had never taken steps for the records to be called from possession of the bank. Further perusal of the record shows that after the closure of evidence a petition was filed to call for the document which was not considered. Thus, from the circumstances it clearly appears that the claimant has failed to discharge the primary burden of proving that he had qualified in the test but not given the promotion. During course of argument it came out that the claimant has retired from service in the meantime on attaining the age of superannuation. There is absolutely no documentary evidence which has proved that the claimant was denied of his legitimate rights in getting the promotion. As admitted by both the parties and from the documents filed by the management it is proved that the promotion from subordinate cadre to clerical cadre is subject to successful completion of the qualification test and the claimant as per his own admission had failed to clear the same on previous years. It is in the year 2014 he cleared the test and got the promotion. In such a situation it is held that the refusal by the management to give promotion to the claimant to the post of clerk prior to 2014 was proper and no illegality or discrimination was meted to the claimant. Thus, all the issues framed are answered against the claimant. Hence, ordered.

### **ORDER**

The reference be and the same is answered against the claimant and it is held that no illegality was ever committed by the management Bank in not giving promotion to him prior to 2014. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

29<sup>th</sup> July, 2022.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2022

**का.आ. 854.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधतंत्र, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय जबलपुर के पंचाट (संदर्भ सं. 102/1993) को प्रकाशित करती है।

[सं. एल-12012-18/93-आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 15th September, 2022

**S.O. 854.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.102/1993 of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur shown in the Annexure, in the industrial dispute between the management of UCO Bank and their workmen.

[No. L-12012/18/93 -IR(B-II)]

RAJENDER SINGH, Under Secy.

# ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

**NO. CGIT/LC/R/102/1993**

**Present:** P.K. Srivastava, H.J.S..( Retd)

Shri Ashok Kumar Verma  
Ghospura No.1, Choti Bajariya  
Hazira Gwalior (M.P.)

... Workman

**Versus**

The Manager, UCO Bank,  
Ranipura Branch,  
Gwalior(M.P.)

...Management

# AWARD

**(Passed on 10-8-2022)**

As per letter dated 17-5-1993 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/18/93-IR(B-II). The dispute under reference relates to:

***“Whether the action of the management of UCO Bank Ranipura Branch, Gwalior in terminating the services of Shri Ashok Kumar Sharma w.e.f. 4-7-92 is justified or not? If not, to what relief the workman is entitled to? .”***

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their statement of defence/claim.

2. The case of the workman as stated in his statement of claim is that he was appointed with the Bank as Peon on 31-8-1989 in Ranipura Branch of the Management Bank on daily wages. He continued till 6-7-1992 without any break. Thus worked continuously for more than 240 days in every year including the year preceding the date of his termination. His services were abruptly terminated by the Branch Manager under a verbal order on 6-7-1992 without issuing any notice or pay in lieu of notice which is against Section 25F of the Industrial Disputes Act, 1947(hereinafter referred to as the word 'Act'). In other Branches of Management several daily rated employees who were engaged in the same way are still working with the Management Bank, hence his termination is in violation of Article 14 & 16 and 21 of the Constitution of India. Accordingly he has prayed that, setting aside his termination he be reinstated with full back wages and benefits.

3. The case of the management, as taken in their written statement of defence is mainly that the workman was daily wager casual labour engaged in the Bank as and when required. He was not appointed as per rules and following procedure of recruitment. He was paid for the daily work done by him on daily basis. He never completed 240 days or more in any year including the year preceding the date of his termination. It has been prayed that the reference be answered against the workman.

4. The Award was passed by my Learned Predecessor on 16-2-1998 with a finding that the continuous engagement of the workman for 240 days could not be proved, hence his dis-engagement without notice or compensation is not in violation of the Act. Accordingly the reference was answered against the workman holding his termination by management according to law and further holding him not entitled to any relief.

5. It has come out from perusal of record, that the workman had preferred an Appeal No.2507/1998 before Hon'ble High Court of M.P. at Jabalpur which was decided by the Single Bench of Hon'ble High Court vide order dated 8-12-2016. Hon. High Court observed that certain documents especially Annexure P-5 which was issued by the Branch Manager was filed by the workman during the hearing of the said writ petition. The Respondent Management Bank was not in a position to specifically deny these documents specially Annexure P-5, hence setting aside the Award dated 16-2-1998 passed by my learned Predecessor, Hon'ble High Court directed this Tribunal to decide this reference afresh. It was also observed that the workman will file the documents which were filed by him as annexure



to the writ petition with his affidavit under Order 18 rule 5 of CPC, the Management will be given the opportunity to cross-examine the workman and also opportunity to rebut the evidence shall be given to management and thereafter a fresh award be passed. It is only under the directions of Hon. High Court, that the workman filed his affidavit dated 2-1-2017. He also filed and proved documents statements regarding details of payment made by Bank within the period 1-4-1990 to 31-3-1992 Exhibit W-1 annual return regarding payment of bonus for the period 1-4-1991 to 31-3-1992 submitted by Manager of the management Bank. Letter of the Branch manager No.1/92 dated 4-2-1992 and statement of account. The workman proved these documents as Exhibit W1 to W4 respectively by way of secondary evidence under permission of this Tribunal. He has been cross-examined by Management learned counsel.

6. The Management has filed affidavit of Shri Virendra Bharadwaj, Assistant General manager, Wright Town, Jabalpur Branch. He has been cross-examined by workman side. No documents has been filed by Management.

7. I have heard arguments of learned counsel Mr. A.K.Shashi, for workman and Mr. Sunil Jain for the Management. I have gone through the record as well.

8. On perusal of record in the light of rival arguments, the following issues arise for determination, in the case in hand:-

1. **Whether the workman has successfully proved his continuous engagement of 240 days or more in every year including the year preceding the date of his termination?**
2. **Whether termination service of the workman by Management is justified in law?**
3. **Whether the workman is entitled to any relief?"**

9. **ISSUE NO.1:-**

Before proceeding, Section 25B of the Act requires to be produced here, which is as follows:-

**U25 B:-**

**Definition of continuous service.-**

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case; (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

10. The respective pleadings of parties on this issued has already been dealt earlier. The workman has corroborated his case on this issue in his statement on oath. He has proved statement regarding details of his work done as Exhibit W-1. The management witness has denied the genuiness of the documents. Learned counsel for the Management has submitted that this document does not bear the signature of any bank Officer. It is not on the Bank letter head. He has further referred to statement of management witness on this point where he has stated that in the year 1989 to 1992, computers were not used for preparing statement and perusal of Exhibit W-2 shows that it has not been signed by any bank officer. This is also not on bank letter head, hence Exhibit W-1 cannot be relied upon because its truthfulness appears doubtful. Exhibit W-2 is the annual return with respect to the bonus paid signed by management. This return is submitted to the Office of Labour Commissioner under payment of Bonus Act, the name of the workman finds mention in its list. These documents goes to show that the workman was under employment of Management and he was paid bonus. This document does not disclose as to bonus of how many days was given to the workman but these documents certainly shows and corroborates the statement of workman that he was engaged by management bank though as a daily wager. Exhibit W-3 is the document which was filed before Hon'ble High Court as Annexure-P5. This document is a letter issued by the Branch Manager to the Regional Officer Bhopal. It is mentioned in this letter that the workman Ashok Kumar Sharma is under engagement of the Management Bank since 31-8-1989 till date and his name is in the Authorised panel of bank. The Management witness, when confronted with this document in his cross-examination, has stated that document may be genuine because it is on bank letter head, though it does not contain any seal or signature. Perusal of Exhibit W-3 disclosed that it does not contain the signature of the Manager.

11. ON the other hand, the management witness has stated that no documents are available regarding the workman in the Bank. He has further stated that he has never been posted in the branch.

12. As it is evidence from the above description, the statement of the workman of his continuous engagement is further corroborated by documentary evidence as statement of management witness is not corroborated by any other evidence. Hence the statement of workman and the evidence of workman on this point appears more reliable. Accordingly, it is held that the workman has successfully proved his continuous engagement for 240 days and more for every year including the year preceding the date of his termination. **Issue No.1 is answered accordingly.**

**13. ISSUE NO.2:-**

Section 25 F of the Act is being reproduced as under:-

**25F. Conditions precedent to retrenchment of workmen.-** No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[\*\*\*] (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

14. It is not disputed between the parties that no notice or compensation was given to the workman before his termination, hence his termination is held in violation of Section 25F of the Act. **Issue No.2 is answered accordingly.**

**15. ISSUE NO.3:-**

On the basis of findings recorded above, the question arises as to what relief the workman is entitled. It has been submitted by learned counsel for the workman that the workman has been fighting an unequal battle since the year 1992. He deserves to be reinstated and regularized in the bank. Learned counsel has referred to decision of Hon'ble the Apex Court in the case of **Ramesh Kumar Vs. State of Haryana** (2010) 2 SCC 542. IN the referred case, the workman was casual maali in public works department of Haryana government. Learned Counsel has further referred to another judgment of Hon'ble the Apex Court in **Durgapur Casual Workers Union & Others Vs. Food Corporation of India & Others**, Civil appeal No.10856 of 2014 arising out of SLP(C ) No.31531/2009. IN this case Hon'ble the Apex Court has held that the decision of its constitutional Bench in case of **State of Karnataka and Anr. Vs. Uma Devi and Anr**(2006) 4 SCC 1 it does not denude the Industrial Tribunal and Labour Courts of their statutory power when they find that unfair labour practice has been done by management.

16. IN the case in hand, the workman was not appointed against any vacancy. He was not appointed according to the recruitment procedure. So far as the argument of learned counsel for the workman that he is entitled to be regularized as per Scheme of 1989, it cannot be accepted because the Scheme was announced in the year 1989 and was applicable to the persons in employment of any type for 240 days with or without break in 3 years preceding the date of the Scheme. The case of the workman is not covered in that Scheme, hence he cannot claim for his regularization in that Scheme.

17. The workman was first engaged in the year 1989, since then 33 years have passed. Naturally he would have attained the age of superannuation or on the verge of superannuation, had he been employed. Hence his reinstatement as a casual labour will not serve the ends of justice. It is true that he has been fighting an unethical battle since the year 1992 till date before this Tribunal and before Hon'ble High Court, hence keeping all the facts in mind a lump sum compensation in lieu of all his claims quantified at Rs.2,00,000/-(two lakhs) will meet the ends of justice in my considered view which he is held entitled to receive from the management Bank within 30 days from the date of publication of Award, failing which the interest @ 6% per annum from the date of publication of Award till payment. **Issue No.3 is answered accordingly.**

18. On the basis of the above discussion, following award is passed:-

***A. The action of the management of UCO Bank Ranipura Branch, Gwalior in terminating the services of Shri Ashok Kumar Sharma w.e.f. 4-7-92 is held not legal and proper.***

**B. The workman is held entitled to lump sum compensation in lieu of all his claims quantified at Rs.2,00,000/-(two lakhs) to be received from the management Bank within 30 days from the date of publication of Award, failing which the interest @ 6% per annum from the date of publication of Award till payment.**

19. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

DATE: 10-8-2022

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 सितम्बर, 2022

**का.आ. 855.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नं. 2 दिल्ली के पंचाट (संदर्भ सं. 19/2009) को प्रकाशित करती है।

[सं. एल-12012/85/2008-आई आर (बी-II)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 15th September, 2022

**S.O. 855.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.19/2009 of the Cent.Govt.Indus.Tribunal-cum-Labour Court No.-II, Delhi shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workmen.

[No. L-12012/85/2008 -IR(B-II)]

RAJENDER SINGH, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

**Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

#### INDUSTRIAL DISPUTE CASE NO. 19/2009

Date of Passing Award- 16.08.2022

#### Between:

Shri Rajpal Singh,  
R/o 140/22, Street No. 38, Sadh Nagar-II,  
Palam Colony,  
New Delhi- 110045.

...Workman

#### Versus

The General Manager,  
Syndicate Bank, Sarojini House 6,  
Bhagwan Dass Road,  
New Delhi.

...Management

#### Appearances:-

Shri Kumar Gaurav (A/R) : For the claimant

Shri Rajesh Mahindru (A/R) : For the Management

#### AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Syndicate Bank, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-12012/85/2008 (IR(B-II)) dated 05/02/2009 to this tribunal for adjudication to the following effect.

“Whether the action of the management of Syndicate Bank in Awarding the punishment of termination from services of Shri Rajpal Singh w.e.f 31/12/2002, after acquittal of the workman by the court is just, fair and legal? What relief the concerned workman is entitled to and from which date?”

This order deals with the grievance of the claimant with regard to the punishment imposed on him in the domestic inquiry which he describes as unreasonably disproportionate to the charge leveled against him.

In order to deal with the dispute and the grievance of the claimant it is necessary to set out the relevant facts as per the claim statement in detail.

The claimant, an ex army person, at the relevant time was working as the attender in the management Bank at it's Head District Office, Gurgaon. He was initially appointed as probationary attender on 04/10/1983 and confirmed in the service of the Bank on 04/04/1984. On a complaint that while working in the central Accounts Office during the period 09/10/1986 to 24/10/1986, the claimant removed / destroyed some cheques having value of Rs 74, 000/- when presented for clearance and managed to cause wrong full gain to himself by crediting the account to his own account. The mischief was detected and when confronted the claimant admitted his guilt. He was placed under suspension with effect from 22/11/1986 and FIR was lodged against him on 25/11/1986. Since the criminal Trial was pending against him the departmental domestic inquiry was kept on hold as agreed in the Bipartite Settlement applicable to the claimant and the Bank. Since the criminal Trial prolonged for an unreasonably long period the Bank on a sympathetic consideration, revoked the order of suspension and the claimant was re instated in to duty from 27/02/1998. During the period of suspension he was paid subsistence allowance as admissible. On 06/07/2000 the trial of the criminal case ended with a finding of acquittal as benefit of doubt was extended to him. There after the Bank started the departmental proceeding, which started with the framing of charge. All the procedures required for the said inquiry was followed and the claimant as the charged employee had participated in each and every stage of the inquiry which culminated with a finding of guilt by the inquiring officer. The order of inquiry was served on the claimant calling him to show cause as to why the proposed punishment shall not be imposed on him. The explanation offered not being found satisfactory, the disciplinary authority passed the order of termination from service. The departmental appeal preferred by him was rejected and the order of the disciplinary authority was confirmed.

Being aggrieved the claimant raised an industrial dispute in which amongst others he pleaded about unfairness in conduct of the inquiry. On completion of the pleadings, issues were framed and the issue relating to the fairness of the inquiry was considered as the preliminary issue, since the Tribunal, before deciding the justification and correctness of the punishment awarded is required to decide, if the inquiry, a quasi judicial proceeding was conducted fairly and by observing the Principles of Natural Justice.

This Tribunal by order dated 25/03/2022 have already decided the said issue against the claimant holding that the procedure adopted during the inquiry was correct and the claimant was allowed due opportunity to defend himself. Not only that it has also been held that the delay in framing the charge and commencement of the inquiry after closure of the criminal Trial has not caused prejudice to the claimant as the same is in accordance to the terms of Bipartite settlement and order of acquittal recorded in a criminal Trial shall not necessarily terminate the departmental proceeding in favour of the charge sheeted employee as the standard of proof required in those proceedings re distinct and separate. Thus the claimant was called upon to advance argument on the proportionality of the punishment imposed. Both parties advanced detailed argument in support of their respective stand.

Whereas the learned AR for the Management supported the order imposing punishment as proper, the claimant has described the same as extremely harsh. During course of argument it was pointed out by the AR for the claimant that for the long drawn litigation the claimant was deprived of contesting the matter properly and now suffering for the illegal order of dismissal. Hence a lenient view may be taken in the matter and the fact of acquittal in the criminal trial be considered for deciding the proportionality of the punishment. The counter argument by the learned AR for the Bank is that it is a case of loss of confidence. The business of the Bank thrives on the faith and confidence of the customers. The action of the claimant had visibly impacted the business of the Bank and as such he does not deserve any sympathy.

This tribunal in view of the arguments advanced has to give a finding on the proportionality of the punishment imposed on the claimant. In the case of **Muriadih Colliery VS Bihar Coalliery Kamgar Union (2005) 3 SCC331**, The Hon'ble SC have held:-

“it is well-established principle in law that in a given circumstance, it is open for the Industrial Tribunal acting u/s 11-A of the I D Act 1947 to interfere with the punishment awarded in the domestic inquiry for good and valid reasons. If the tribunal decides to interfere with such punishment awarded in domestic inquiry, it should bear in mind the principle of proportionality between the gravity of the offence and stringency of the punishment.”

Whether a misconduct is severe or otherwise, depends on the facts of each particular case. In a case where the charge is about misappropriation of a customer's money or breach of Trust, no doubt the same is serious in nature and distinguishable from the charge of demeanor or in – subordination, as in this case. More over the finding in the



relevant inquiry is based upon the oral and documentary evidence. It is a matter of record that the claimant, on detection of the wrong done by him, had admitted about the misappropriated amount. The explanation offered by the claimant was found not acceptable by the disciplinary authority and the departmental appellate authority.

In the case of **Regional Manager U.P.SRTC, Etawah & Others VS Hotilal and another, 2003(3) SCC 605, referred in the later case of U.P.SRTC VS Nanhelal Kushwaha (2009) 8 SCC, 772**, the Hon'ble Apex Court have held that "The court or Tribunal while dealing with the quantum of punishment has to record reason as to why it is felt that the punishment inflicted was not commensurate with the proved charge. A mere statement that the punishment is not proportionate would not suffice. It is not only the amount involved, but the mental set up, the type of the duty performed and similar relevant circumstances, which go into the decision making process are to be considered while deciding the proportionality of the punishment awarded. If the charged employee holds a position of trust where Honesty and Integrity are in built requirements of functioning, it would not be proper to deal with the matter leniently."

As stated in the preceeding paragraph the allegation against the claimant was of misconduct leading to loss of faith and Trust of the customer which in turn, led to loss of confidence of the employer on the employee.

The learned AR for the management while placing reliance in the case of **M/S Firestone Tyre and Rubber Co of India vs The Management And Others** argued that the discretion vested in the Tribunal u/s 11-A should be judiciously exercised. The crux of his argument is that the punishment imposed on the claimant is appropriate to the charge and the Tribunal should not interfere.

The learned AR for the claimant on the other hand argued on the legislative intention behind incorporation of sec 11A of the Act by placing reliance in the case of **ML Singla vs. Punjab National Bank, AIR 2018 SC 4668**, submitted that in the said judgment the Hon'ble SC have held that even if the issue relating to the fairness of the inquiry is decided in favour of the employer, even then the Tribunal has to consider if the punishment commensurate the charge.

It is felt proper to observe here that in the case of **Firestone** referred supra, the Hon'ble SC have held that after incorporation of the provision of sec 11A in the ID Act, the Tribunal in order to record a finding on the fairness of the domestic inquiry or the proportionality of the punishment, can not be confined to the materials which were available at the domestic inquiry. On the other hand 'material on record' in the proviso to sec 11A of the ID Act must be held to refer the materials before the Tribunal. Which are (1) the evidence taken in by the parties during the domestic inquiry (2) the evidence taken before the Tribunal. But in this case no evidence has been adduced by the claimant before this Tribunal to presume that the punishment imposed is disproportionate to the charge. The evidence was adduced to prove the irregularities in conduct of the domestic inquiry, which was not found worthy of acceptance. Thus on considering the evidence recorded during the domestic inquiry and adduced before this Tribunal, the one only conclusion is that the punishment imposed on the claimant for misappropriation of customer's money amounting to misconduct is proportionate to the charge and same has been imposed for loss of confidence on the employee by the employer. Merely because the claimant was acquitted from the criminal charge and granted benefit of doubt, will not put him in a position for sympathy. Hence it is not felt proper to interfere and modify the punishment imposed by the disciplinary authority, in exercise of the power conferred u/s 11A of the ID Act. Hence, ordered.

#### **ORDER**

The reference be and the same is answered against the claimant. The finding of the disciplinary Authority in imposing the punishment is held proportionate to the finding of misconduct. The claimant is held not entitled to any relief. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

16<sup>th</sup> August, 2022

PRANITA MOHANTY, Presiding Officer